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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, throughout the sacred history of the Bible, You have called people. Sometimes they are asked to leave the familiar and set out into an unknown future. In all cases, they are given a specific purpose or mission. Usually those You call are asked to serve others.

What a blessing it is to serve at Your call and to act in Your name.

Bless the Members of the House of Representatives. You have brought them here to be attentive to the needs of their constituents and at the same time serve the Nation and national interests.

Bless them for Your service. They come to do Your will. To pour out themselves in the service of others is to reveal Your Spirit at work in them. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced

that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 355. Concurrent Resolution congratulating the University of Delaware men's football team for winning the National Collegiate Athletic Association I-AA national championship.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes per side.

AMERICA IS TIRED OF NEGATIVE POLITICS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I come to the floor outraged and disappointed at the conduct of the Presidential candidate, Senator JOHN KERRY. To issue a term about our Commander in Chief and calling him a liar is disgusting, despicable; and we reject this kind of politics.

Today, it was reported on Fox News that the Saddam Hussein government stole over \$4 billion from the Food-for-Oil Program to help the poor people in that country of Iraq. They spent the proceeds of that \$4 billion bribing and paying off officers all over the world. 400,000-plus people died at the hands of Saddam Hussein, and the candidate running for President is calling our Commander in Chief a liar.

I think that is regrettable, think it is disgusting; and they have consistently used this kind of terminology throughout this entire campaign. America is tired of negative politics.

I challenge the Senator to talk about what you will do for the people of this country rather than tearing down the institution of the President. You cannot have it both ways. You cannot have it both ways, and I am sick and tired of

this kind of language polluting political airways and making our children wonder why they should vote.

He did not think he was miked. What you say in silence is what you will say everywhere you go. So whether you thought the mike on or not, Mr. KERRY, you were wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Members are cautioned not to make personal references to Members of the Senate even if they are apparently to be nominated Presidential candidates.

UNJUST IMPRISONMENT OF NGUYEN VU BINH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice my outrage over the Vietnamese Government's imprisonment of Mr. Nguyen Vu Binh.

On December 31, 2003, writer Nguyen Vu Binh was sentenced to 7 years in jail plus 3 years of house arrest after that. His charge? Writing and exchanging with various opportunistic elements in the country and communicating with reactionary organizations abroad.

My colleagues might be surprised to know that the United States Congress is one of those reactionary organizations. On July 19, 2002, Mr. Binh submitted testimony to the congressional Human Rights Caucus, highlighting Vietnam's assault on human rights, and I would like to read an excerpt from that.

He said, "The ultimate goal of the Vietnamese government is to isolate, separate and divide the democracy activists. They achieve this goal through

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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tactics carefully applied to each target."

Two months after he submitted this testimony here, Mr. Binh became a target and was taken into custody. This simply must stop.

I urge the Vietnamese government to facilitate the immediate release of Mr. Binh and to afford its citizens the freedoms that they deserve.

ANNIVERSARY OF LEBANESE WAR OF LIBERATION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, 15 years ago today the Lebanese people and their last legitimate government, headed by Prime Minister Aoun, courageously engaged in a war of liberation against Syria.

For 19 months, this heroic people fought to save and defend that which Syria wanted to destroy, Lebanese sovereignty and independence. Tragically, the Syrian regime overpowered them and succeeded in turning Lebanon into a captive nation.

Today, Syria harasses, arrests, imprisons, tortures and disappears anyone who speaks out against Syria's domination of Lebanon, and its campaign of intimidation extends here to the U.S. Congress.

Late last year, General Aoun appeared before the Subcommittee on the Middle East and Central Asia, which I chair, to address Members about Syrian occupation of and terrorist activities in Lebanon. For this, he was charged with treason, tried in absentia and sentenced to 15 years of hard labor.

We must send a clear message to Syria that its continued occupation of Lebanon will not be tolerated. Lebanon is a captive nation, and we must not rest until Lebanon is free from Syria's regime and their strangle hold.

TRANSIT FUNDING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Federal transportation law currently penalizes communities like Redding and Lancaster, Pennsylvania, in my district or like South Bend, Indiana; Lubbock, Texas; Shreveport, Louisiana; Wichita, Kansas; Jackson, Mississippi; Fort Collins, Colorado; communities like them all over the country.

When these communities reach 200,000 people, transit systems in these areas are required to spend Federal money like the big-city transit system. They lose their flexibility. What they need is a small system with unique needs. They are lumped in with the New Yorks and the Philadelphias. But areas like Lancaster and Redding are nothing like Philadelphia.

As a result, people in these areas and dozens of others lose out, and that is

why I introduced a bill to prevent the Federal Government from penalizing these thriving communities, the Transit Flexibility Protection Act. This bill does not authorize new money. It merely protects small transit systems and their ability to use Federal funds wisely.

If we are going to invest in public transit, we should at least do it in a way that truly promotes it in communities like these.

IN DEFENSE OF ANTHONY RAIMONDO

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I am here today to defend a good American and a good Nebraskan, Tony Raimondo, who lives the American Dream of building a manufacturing plant in Nebraska and having several others throughout the country, employing now 1,200 people that make farm equipment, fencing, tanks, metal buildings. The Bush administration has tapped his expertise to become the new American manufacturing czar; but of course, then this has to be roiled down into Presidential politics.

The Kerry campaign, in a rather deceitful way, attacking a great American, Tony Raimondo, because out of 1,200 American jobs that he has created, they have 180 jobs in China to make farm equipment to sell in China.

This is not an issue of outsourcing jobs. This is an issue of being efficient in a global economy. This is a great American, and I stand to defend him against these unwarranted, deceitful, political, presidential-year politics and attacks.

SIGNING OF IRAQI INTERIM CONSTITUTION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I wanted to come to the floor of the House today to recognize a momentous event and a momentous event that occurred earlier this week, and I do not think it has gotten sufficient press and that, of course, was the signing of the Iraqi interim constitution by the 25 signatories earlier this week.

We heard a lot of information on Friday when the signing was held up, but the press scarcely reported what will likely be one of the events that will shape not only the world events around us but shape events for the next century.

Mr. Speaker, I want to congratulate our President on his leadership for getting this accomplished. I want to congratulate Ambassador Bremer in Iraq. I know he is looking forward to the conclusion of his term there when sovereignty is returned to the Iraqis. They

have got a hard job ahead of them. Four elections within the next year's time will be a daunting task for them, but they have laid the groundwork. They have laid the foundation.

Again, congratulations to our President, congratulations on his leadership for getting this interim constitution signed in a timely fashion.

AMERICA STANDS WITH SPAIN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, America awoke this morning to learn the tragic news that at least 170 people were massacred and over 600 wounded in terrorist attacks on the public transit system in Madrid, Spain. The Basque terrorist group, ETA, is believed to be responsible for these murderous bombings.

This is only the latest in a global campaign of terror that seeks to undermine freedom and democracy throughout the world by taking the lives of innocent civilians. Since the terrorist attacks of September 11 here in America, there have been deadly attacks from Morocco to Indonesia and from India to Turkey and Russia, along with assaults in Iraq and Saudi Arabia.

As British Prime Minister Tony Blair has rightly said this morning, "This terrible attack underlines the threat that we all continue to face from terrorism in many countries and why we must all work together internationally to safeguard our peoples against such attacks and defeat terrorism."

Our allies in Spain, led ably by the courageous prime minister, Jose Maria Aznar, should know that Americans mourn with them today. America is committed to stand by Spain to defeat global terrorism, as we are grateful for the Spanish heritage of America.

In conclusion, may God bless our troops; and we will never forget September 11.

RECOGNIZING ARIZONA CHAPTER OF ASSOCIATED GENERAL CONTRACTORS AND ARIZONA ROCK PRODUCTS ASSOCIATION

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to pay special tribute to two local associations in my home State of Arizona: the Arizona chapter of the Associated General Contractors and the Arizona Rock Products Association.

Sunshine Acres Children Home, in my home district of Mesa, Arizona, was in desperate need of paved roads and paved emergency roads. These are required and mandated by the city of Mesa. The Associated General Contractors and the Arizona Rock Products Association were able to join forces and donate their expertise, materials,

equipment, and manpower to build these required road improvements, which otherwise the children's home could not afford.

Sunshine Acres Children's Home is often referred to as the Miracle in the Desert. It is a home for children who are separated from their parents who are either unwilling or unable to care for them. For 50 years, Sunshine Acres has survived primarily on private donations. The home does not receive any aid from the Federal, State, or local governments.

I had the distinct honor and privilege of visiting Sunshine Acres this last Christmas. My wife and family toured the campus, met the children and their house parents, and then served Christmas dinner to all the residents. It was a visit I will not soon forget.

Today, the residents of Sunshine Acres are enjoying smooth paved roads, perfect for riding their bicycles, roller blading and playing basketball, all thanks to the generosity and hard work of the Associated General Contractors and Arizona Rock Products Association. These groups deserve recognition and credit for what they have done.

TRIBUTE TO ROBERT D. ORR

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, last night the State of Indiana lost a giant. The honorable Robert D. Orr passed away at Indiana University's medical center.

Governor Orr served Indiana for 8 years in the State's top office from 1981 to 1989. He spurred our State's economy out of recession and overhauled its education system. He also oversaw the removal of the State license branch system from political and partisan control and led an aggressive effort to promote the export of Indiana products.

Mr. Speaker, his work did not begin in 1981, nor did it stop in 1989. Robert Orr enlisted in the Army in 1942, was commissioned a major for his service in the Pacific theater in World War II. At the end of the war, he went to Evansville and entered the family business, Orr Iron Company. He served as Vanderburgh County Republican chairman and was elected to the State senate in 1968 before being elected the State's lieutenant governor.

Even after leaving office, Governor Orr was appointed U.S. Ambassador to Singapore and helped build an international relationship with that nation that America still enjoys today.

Mr. Speaker, Hoosiers will remember Governor Orr for all these great achievements and his wise actions, but they will most remember him for his humility and his personal decency and kindness. Governor Orr embodied that very verse in Proverbs: "With humility comes wisdom."

Mr. Speaker, I mourn the death of the honorable Robert D. Orr, along

with millions of Hoosiers, as we send our heartfelt condolences to his wife, Mary, and his entire family. May Robert D. Orr rest in the peace that he so richly deserves.

□ 1015

SPEAKING OUT AGAINST DOMESTIC VIOLENCE

(Ms. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CAPITO. Mr. Speaker, I rise today to speak out against domestic violence. Domestic violence encompasses all acts of forceful behavior that one person uses to maintain control over another person. While we are taking steps to eradicate the threat of domestic abuse for women and children, unfortunately the statistics demonstrate the need for more community outreach, funding for prevention programs, and help from Congress.

In my home State of West Virginia, there has been a 400 percent increase in the number of domestic violence complaints to our law enforcement agencies. I am committed to stopping violence against women. But women are not the only victims. Many times children are the victims. In our Nation, millions of children, 9 million children, have reported seeing violence in their home. These statistics are just an estimate, 9 million, but I believe one child is one too many. We need to take care of our children and ensure they are safe from violent crimes, particularly in their own homes.

With a strong commitment from Members of Congress to work together to decrease domestic violence in our Nation, hopefully we will see a drop in the domestic violence statistics in the years to come.

POLITICAL DEBATES SHOULD BE ABOUT VALUES AND IDEALS, NOT NAME CALLING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it is a presidential election year, and presidential elections are very important. Politics in general, in a republic like ours, is a substitute for Civil War. It is a very important process. At the same time, I think we need to control the rhetoric.

Last night, the leading Democrat nominee, JOHN KERRY, called, or seemed to call, the President of the United States and his crew "a crooked bunch of liars." Now, those are strong words, and somewhat ridiculous when we consider the fact that we should be having a debate of values, of ideals, and that that debate should be conducted with integrity.

As a Member of Congress, I call on our colleague, the Senator from Massa-

chusetts, to publicly apologize not just to the President of the United States but to the American people. We need a good debate. We need to look at the differences between these two candidates. One is obviously a big liberal and likes more government, higher taxes, and more regulation. The other one likes less. But the debate should be about those values, not name calling.

Senator KERRY, please apologize to the American people.

PROVIDING FOR CONSIDERATION OF H.R. 3717, BROADCAST DE-CENCY ENFORCEMENT ACT OF 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 554 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 554

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentlewoman from

North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

On Tuesday, the Committee on Rules met and granted a structured rule for H.R. 3717, the Broadcast Decency Enforcement Act of 2004. H.R. 3717 is a direct response to the increasing levels of indecency on broadcast television and radio. The bill has strong bipartisan support, with over 145 cosponsors, and is a comprehensive measure that is reasonable, fair and firm.

The problem of obscenity on TV has been going on for far too long. However, the Super Bowl brought it to national attention. On February 1, millions of families were at home watching the Super Bowl together. I myself was watching the game, cheering on my Carolina Panthers. This was a moment of pride for my district, and in one moment the attention was shifted.

I was appalled by the shameless stunt that took place during the Super Bowl. And the excuses I have heard ring very hollow. Obviously, if it was deliberate, then Janet Jackson and Justin Timberlake thought they could get away with it.

Mr. Speaker, my constituents are very tired of having to cover over their children's eyes and ears every time they turn on the television set, especially during the time that is supposed to be considered family time.

H.R. 3717 the Broadcast Decency Enforcement Act of 2004 raises the maximum penalty cap for broadcast stations, networks, and performers to \$500,000 for each indecency violation. By significantly increasing the FCC fines for indecency, networks and individuals will do more than just apologize for airing such brazen material, they will be paying big bucks for their offenses.

I am very pleased that this legislation streamlines the Federal Communication Commission enforcement process for networks and individuals who willfully and intentionally put indecent material over the broadcast airwaves. So complaints do not languish at the FCC, the bill requires them to complete action on indecency complaints within 270 days of receipt. In the past, there have been examples where it has taken several years, and the broadcasters know they will not be taken to task until long after the offense is over.

I want to commend the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON), for moving this legislation so swiftly through his committee. I also want to thank the gentleman from Michigan (Mr. UPTON) for his resolve to protect our Nation's air-

waves. He has been working on this issue for a long, long time.

Broadcast airwaves belong to the American people, not to the networks. So I believe it is time for Congress to defend and protect America's parents and children and pass a tough bill to ensure decency on the airwaves. To that end, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time, and I rise in support of the rule and the underlying bill. I do so because it is time to send a strong message to broadcasters that indecent television and radio programs are not okay.

For too long, the producers of indecent programming have regarded FCC fines as just a minor nuisance; as a cost of doing business. That attitude has to end. Congress needs to send a strong message to broadcasters that doing anything for profit, no matter how much it offends American viewers and harms the public interest, is definitely not okay.

Mr. Speaker, the basic principle of broadcasting in our country is that the American people grant private businesses the ability to make money while using our public airwaves. In exchange for a license, we ask that broadcasters air programs that serve the public interest, and we ask them not to broadcast indecent material at times when children are likely to be watching or listening. In other words, we have a social contract with our media companies. They can use the airwaves, but they must run their businesses in a socially responsible way. They must remember they have a duty to serve not only their shareholders but also the American people.

The reason we have special rules for radio and television programming is that the broadcast media is, in the words of Supreme Court Justice John Paul Stevens, "a uniquely pervasive presence in the lives of all Americans."

When 100 million Americans, including myself, tuned into the Super Bowl, we allowed a broadcast company to enter the privacy of our homes. Just like any other guest, we welcomed them into our home. We expected the Super Bowl broadcast to be respectful of us and our families. We do not expect to agree with our house guests on everything, but we do expect them to show good judgment and to refrain from saying crude and offensive things, especially when children are in the room. What we all got on February 1 was anything but a good guest, Mr. Speaker.

Besides the now infamous incident involving Justin Timberlake and Janet Jackson, the half-time show was full of

crude and sexually explicit performances. Throughout the game, we were subjected also to some offensive advertising. And all this was going on in our dens, our living rooms, and the other places we gather every year to watch the Super Bowl. It is estimated that one in five American children were watching this year's Super Bowl broadcast.

I would like to note, Mr. Speaker, that the actual Super Bowl game was one of the most exciting, best-played games in the 38-year history of the sporting event. Decided by a field goal kicked with 4 seconds left, this year's game had plenty of action and drama to sell itself on its own merits, without adding the controversial material that has provoked so much outrage for the past month.

To be fair, we should not be singling out the Super Bowl broadcast for our disapproval. When I drive around the Dallas-Fort Worth metropolitan area, I enjoy going up and down the radio dial to listen to many different stations that offer information and entertainment to the people of North Texas. I hear a lot of good programming, but I am also astonished at the amount of gratuitous foul language some talk show hosts use on a daily basis. The hosts of my favorite sports talk shows in the Dallas market seem to be using more and more offensive language.

I applaud the FCC commissioners for aggressively cracking down on this type of programming and hope that this legislation gives them a more effective enforcement tool.

I would also like to note that this problem goes beyond just the programming we receive in our homes from the FCC broadcast licensees. Congress does not currently have the same power to regulate the indecent content of cable programming as we do over broadcast programming. But all of us who have cable television know that there are cable network shows aired during family hours that are equally offensive and indecent. Although they operate under a regulatory system that would not be covered by the bill we are considering today, I urge the cable networks to remember that they have a social responsibility to the American people too.

Mr. Speaker, some people may be suggesting that with this bill and the speeches we are giving today, we are trying to censor speech or limit expression in our society. Nothing could be further from the truth. As a former broadcast journalist, and as the father of a broadcast journalist, I have a deep respect for the right of journalists, artists, political and religious leaders, and anyone else for that matter, to exercise their constitutional freedom of speech. Our communication laws on obscenity and indecency do not stop free speech or suppression. They simply say it is not always appropriate to broadcast crude and sexually explicit material into our homes and into our motor vehicles, especially when our children could be watching or listening.

I urge all of my colleagues to support this bill and the FCC's new efforts to take back our air waves from the people who have cynically decided the best way to sell advertising is by shocking and offending us. I have more faith in Americans than that. Voting for this bill is not just a vote to protect our families from indecent programming, it is also a vote in support of the vast majority of broadcasters, producers, and performers today who are running profitable businesses while broadcasting in a way that serves the interests of our families and our society.

Mr. Speaker, I reserve the balance of my time.

□ 1030

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), a fellow member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I rise in support of this rule and thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Mr. Speaker, H. Res. 554 is a fair and balanced rule that will provide House Members with the opportunity to consider a number of issues affecting our efforts to get indecent material off our airwaves. Under this rule, the House will have the opportunity to consider a manager's amendment by the gentleman from Michigan (Mr. UPTON) and an amendment by the gentlewoman from Illinois (Ms. SCHAKOWSKY) to strike the increased fine limit on entertainers, and an amendment by the gentleman from Texas (Mr. SESSIONS) to direct the General Accounting Office to provide a detailed report to Congress about the number of complaints about indecent broadcasting and the processes and procedures that the FCC has implemented to investigate these complaints.

With respect to H.R. 3717, the underlying legislation, I want to commend the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet, for all of the time and effort he has invested in bringing this very important and well-crafted legislation to the House floor.

Vulgarity, profanity, and even obscenity are an all-too-common trend on our television and radio airwaves today. Originally, the Golden Globe Awards incident last year appeared to be an isolated event; however, the subsequent profanity during the Billboard Music Awards broadcast and the grossly inappropriate halftime show of the 2004 Super Bowl made clear that Congress needs to take action and give the FCC the tools it needs to crack down on such tawdry programming.

H.R. 3717 provides some of these tools for the FCC and is a step in the right direction. This legislation increases the penalties imposed for broadcast indecency, which allows the FCC to more authoritatively regulate on-air programming. Also, this bill makes it easier for the FCC to hold individuals

subject to the same fines as broadcasters for indecent actions.

In conclusion, families must be able to watch prime-time TV together without the fear of watching obscene, profane, or vulgar programming; and H.R. 3717 will help make this a reality.

Mr. Speaker, I urge Members to support the rule so we may proceed to debate the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, the Committee on Rules has denied me and other Democrats the opportunity to offer amendments that are vital and directly relevant to the debate on eliminating indecent content on the public airwaves.

Americans should look at the link between the surge in complaints on indecent content on TV and radio and the increasing media consolidation that has occurred in recent years.

During the Committee on Energy and Commerce's three hearings on Indecency in the Media, it became apparent it is the media giants who are the greatest offenders of the FCC's indecency standard. The biggest FCC fines have gone to the biggest media players. In the past 5 years, 80 percent of the fines on violations of the FCC indecency standard were handed out to the media conglomerates.

I believe the increasing amount of indecent content on our public airwaves is a symptom of media consolidation, but the FCC never bothered to look at this possible link before they issued new rules last year to allow these media giants to get even bigger. The Parents Television Council noted this as well. Director Brent Bozell said after the FCC issued the new rules allowing more media consolidation, and I would like to quote him, he said, "The rules change means that a handful of megaconglomerates will impose their own standards of decency. They have been handed unfettered opportunity to broadcast violent and vulgar programming with impunity."

My amendment would have delayed the FCC rules on media consolidation while the GAO conducted a thorough review of the correlation between indecent content on our public airwaves and media consolidation.

I had also offered a pared-down amendment that would have authorized a study without delaying the rules. I will still be seeking the GAO study, and I invite my colleagues to join me in this request I will be making later today.

The growing number of media monopolies is relevant to this indecency debate, and the Committee on Rules should not have denied me and others the opportunity to offer our amendments. I urge my colleagues to vote against this rule until we get the amendments that will help us further this debate.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the

gentleman from Michigan (Mr. UPTON), the subcommittee chairman whose bill this is.

Mr. UPTON. Mr. Speaker, I want to compliment the Committee on Rules and the leadership for getting this bill on a fast track, and I want to compliment my colleagues on the Committee on Energy and Commerce. We acted very swiftly to get this bill to the floor. In fact, we passed the bill out 49 to 1 just last week.

I would like to say as well that I think this rule is a fair rule. I think the amendments will be debated fairly. I think that the membership of the House will respond to those amendments; and obviously my hope is to adopt the bill, the legislation, overwhelmingly at the end of the day.

I want to say to the gentleman from Michigan (Mr. STUPAK) on media ownership, there will be a time and place for that debate. We had a little debate on this last year. There was a compromise that was made as part of the appropriations process. This issue is not going to go away, but I think it is imperative that we get this bill to the President's desk as fast we can.

The President did send a veto signal as a statement of administration policy last year on this very issue. If for some reason that amendment was attached to this bill, there is no question it would delay enactment of this bill. It is not in place to add that amendment to this bill. I accept what the Committee on Rules did yesterday. We had a good debate on it yesterday afternoon. I think they made a wise decision not to make that amendment in order, knowing there is another day and time when we can debate that issue.

Mr. Speaker, I compliment the gentleman from Michigan (Mr. STUPAK) for offering virtually the same amendment in full committee last week and then withdrawing that amendment even though a point of order had been raised.

I urge Members to support this fair rule so we can get this bill to the President's desk as fast as we can.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, there are clearly some messages to take from recent events and the bill that is on the floor today. The overriding message is that there is a responsibility that comes with being entrusted to broadcast over the public airwaves.

People say if viewers do not like the content of a certain show and find it offensive, just do not watch. The problem with that argument is when content is being broadcast over public airwaves, it sometimes cannot be avoided. The fact is that people in this country surf and flip up and down channels on

TV and radio. If we do not regulate what people can see and hear in these forums, children in particular will be exposed to material that is completely inappropriate.

While we, and broadcasters in particular, should take action to crack down on indecent material, we must not allow this focus on indecency to become a mission instead to do everything possible to gain favor with the FCC and their ultimate leader, President Bush. Being contrary to the government and offensive to the President and his campaign donors should not fall into the category of indecent material.

Unfortunately, the Clear Channel case with Howard Stern leaves that impression. Consider the facts: on February 25, Clear Channel announced that its radio stations would no longer carry the "Howard Stern Show," citing "indecent content" in Stern's February 24 radio broadcast. But nothing in Mr. Stern's recent shows has been cited for indecency, and it has been years since he has been fined by the FCC. Some commentators have said his show has been milder in recent months. According to the Wall Street Journal, Mr. Stern's sponsors have not pulled their advertisements, meaning that the sponsors do not believe the show is across the line.

The only thing that has changed is that just 2 days before his suspension, Mr. Stern had become more critical of the Bush administration, an administration Clear Channel and its top executives have bank-rolled to the tune of \$42,000 this election campaign cycle, and hundreds of thousands of dollars in years past.

Even more curious is the location where Mr. Stern's show is being dropped. Is it simple coincidence that political battlegrounds of Ohio and Florida are losing a popular critic of the Bush administration just as the election season begins?

While we are right to take action today to keep indecent material off the public airwaves, this should not be seen as open season on a diversity of views. If we only have radio personalities who are sympathetic to the President and his large corporate backers, then we will only have a small number of voices being heard, and all of them will be at the far right end of the radio dial.

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I rise in support of the resolution, but I would like to express a few views on why I will oppose the legislation.

I am convinced that the Congress has been a very poor steward of the first amendment, and we are moving in the direction of further undermining the first amendment with this legislation.

First, many years ago, it was an attack on commercial speech by dividing

commercial and noncommercial speech, which the Constitution does not permit. Then there was a systematic attack from the left, writing rules against hate speech which introduced the notion of political correctness. Recently, there was a petition to the Department of Justice that has asked the Department to evaluate "The Passion of Christ" as an example of hate speech. Unintended consequences do occur.

Next came along a coalition between right and left, and there was an attack on campaign speech with the campaign finance reform with a suspension of freedom of speech during an election period.

Now, once again, we are attacking indecency, which we all should, but how we do it is critical; because "indecent" is a subjective term, and it has yet to be defined by the courts.

We should remember that the Congress very clearly by the Constitution is instructed to: "make no laws abridging the freedom of speech." It cannot be any clearer. If we have problems with indecency they are to be solved in different manners. The excuse, because the government is responsible and owns the airwaves, that we can suspend the first amendment is incorrect. That is a good argument for privatizing the airwaves rather than an excuse for suspension of the first amendment.

I would like to close by quoting someone who is obviously not a libertarian and obviously not a liberal who has great concern about what we are doing, and he comes from the conservative right, Rush Limbaugh. He said: "If the government is going to 'censor' what they think is right and wrong, what happens if a whole bunch John Kerrys or Terry McAuliffes start running this country and decide conservative views are leading to violence? I am in the free speech business. It is one thing for a company to determine if they are going to be a party to it. It is another thing for the government to do it."

Mr. Speaker, we all should be in the free speech business.

Mr. BARTON of Texas. Mr. Speaker, I am in support of this rule.

The Broadcast Decency Enforcement Act of 2004, H.R. 3717, has overwhelming bipartisan support. H.R. 3717, which was adopted on a vote of 49 to 1 by my Committee, increases the Federal Communications Commission's authority to assess fines for indecent broadcasts. As Janet Jackson revealed to the entire Nation during the Super Bowl Halftime, broadcasters and performers have stopped minding the public's store, allowing all sorts of offensive material to travel across the public airways.

This is not a new problem. For years now, radio programming has gotten progressively more base, and within the last year and a half a number of so-called celebrities have let expletives fly on live broadcast television coverage of awards shows. Federal law already allows the FCC to assess fines on licensees and non-licensees for the broadcast of indecent content during hours when children are

likely to be in the audience, and courts have made clear that the FCC's definition and regulation of indecent content is constitutional.

The problem, however, is that the FCC currently is authorized to assess a maximum fine of only \$27,500 per violation on licensees, and \$11,000 per violation on individuals. Such weak penalties amount to little more than a cost of doing business, and provide little to no deterrent. What's more, the FCC can only assess such fines on individuals on the second infraction, which means that celebrities such as Ms. Jackson get a free pass on the first offense should they do something indecent.

H.R. 3717 addresses these problems by raising the maximum fine to \$500,000; permitting the FCC to consider revoking a broadcast license after the third offense; and allowing the FCC to fine an individual on the first offense. H.R. 3717 does not require such severe penalties, but gives the FCC needed discretion to tailor its sanctions to each particular offense. Perhaps this will send the message to broadcasters and individuals that indecency on our airwaves is no laughing matter. H.R. 3717 also imposes a shot clock on the FCC to ensure that these matters are resolved expeditiously.

Mr. Speaker, this is a fair rule, and I urge Members to support it.

Ms. WATSON. Mr. Speaker, I rise in strong opposition to the rules for H.R. 3717. Yesterday I offered an amendment to the bill that would end industry-paid travel for commissioners and staff of the Federal Communications Commission once and for all. I am very disappointed that it was not made in order. In fact, 5 of the 6 amendments offered by my Democratic colleagues were not made in order. I hope my colleagues would join me in opposing this rule and request an open rule.

My amendment was a modified version of a bill that I introduced last year in response to a report documenting over \$2.8 million in travel costs spent by FCC-regulated private companies for more than 2,500 trips taken by FCC commissioners and staff over the past 8 years. Such practices have contributed to the FCC's reputation as a "captured agency" controlled by the industries it regulates.

I am aware that Chairman Powell promised last fall to eliminate the practice of corporate sponsored travel, but I don't believe a one-time promise is strong enough to eliminate the practice once and for all. What if the commission decides to re-institute the policy in a few years? What if there is a change in the administration this fall, and we end up having a new chairman? There is no guarantee that what the FCC has decided to do is not just a way to wait out the storm caused by the report, and that it could revert back to the old arrangement any time.

I support granting the FCC the authority to impose severe penalties for indecent broadcasting, but we must also ensure that the Commission uses the new enforcement powers this bill would provide. One way to do so is to eliminate, once and for all, any potential conflict of interest caused by the practice of corporate sponsored travel for FCC travel. I hope my colleagues would join me in rejecting this rule and allow consideration of my amendment.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I

move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 554 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3717.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 45 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

□ 1045

Mr. UPTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I ask my colleagues to support this legislation this morning. This legislation actually appeared on my radar screen last year as we began to set our agenda for 2004. I introduced the legislation in early January, held our first hearing on the legislation before the Super Bowl, and the administration supports our bill. They sent us a statement that they supported our bill in committee, and I will include that Statement of Administration Policy as part of the RECORD in support of this legislation today.

STATEMENT OF ADMINISTRATION POLICY

The Administration strongly supports House passage of H.R. 3717. This legislation will make broadcast television and radio more suitable for family viewing by giving the Federal Communications Commission (FCC) the authority to impose meaningful penalties on broadcasters that air obscene or indecent material over the public airwaves. In particular, the Administration applauds the inclusion in the bill of its proposal to require that the FCC consider whether inappropriate material has been aired during children's television programming in determining the fine to be imposed for violations of the law. The Administration looks forward to continuing to work with the Congress to make appropriate adjustments to the language of the bill as it moves through the legislative process.

I remember a speech well by Michael Powell, the Chairman of the Federal Communications Commission, where he said the fines under current law are peanuts. It is a cost of doing business. They are not high enough.

In fact, in the hearings that we held, we discovered that by the time you saddle up some of those attorneys at the Department of Justice and send them out to file a claim in Federal Court to go after the dollars that the FCC might have fined, they are not going to recoup their costs.

The Upton-Markey-Tauzin-Dingell-Barton bill has been cosponsored by more than 140 Members of Congress, Republicans and Democrats. Chairman Powell and his four other commissioners, two Republicans and two Democrats, when you look at their statements in support of this legislation, when you look at their statements as they imposed fines on broadcasters who cross that line, every one of them, Republican or Democrat, has lamented the fact that they cannot raise the fines higher than they are under current law, a maximum of only \$27,500.

Because of the legislation we pursued on a strong bipartisan basis, and again, I commend my colleagues on the other side, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL), we were able to pass this legislation out of the Committee on Energy and Commerce last week on a recorded vote of 49 to 1. The other body is beginning to move as well. They passed their legislation out 34 to 0.

Our bill was strengthened in the full committee markup. We added a provision on three-strikes-and-you-are-out. That is, if you are a repeat offender, a broadcaster, and you go through three series of fines violating the current standard, there is set up an automatic revocation hearing to take away that license.

We established a "shot clock" so that the FCC has to act on complaints within a certain number of days. We protected affiliated broadcasters. They do not always know what is coming down the pike in terms of what they are broadcasting. We raised the fine from the initial bill as I introduced it of \$275,000 for the maximum fine to \$500,000. We added a provision asking for the National Association of Broadcasters to make part of their code a Broadcast Decency Code, something they had years ago and was struck under antitrust violations.

We also added a provision making the performers, the talent, liable for their own words. You cannot tell me that they do not know what the standards are. I have heard them whine, I have heard them take out that violin and whine about what this bill will do. Well, guess what, Mr. Chairman? It is time to take away that violin and give them the fork. They are done. This ought to stop.

Guess what? Our bill does nothing to change existing standards. Zero. Nada. Not a thing. I would note that the 1927 Radio Act has held up in the courts for more than 75 years. The FCC has the authority to punish those who air obscene, indecent or profane language. It

has been upheld by the Supreme Court, who ruled in 1978 that the government does have the right to regulate indecent broadcasts and to, in fact, establish a definition of indecency that remains the FCC's guiding principle.

There is language, material, that describes sexual or excretory material or organs, and it is deemed patently offensive as measured by contemporary community standards. In the mid 1990s, the court limited the ban on indecent airing between the hours of 6:00 in the morning and 10:00 at night, when kids are most likely to be watching or listening.

This legislation pertains only to broadcast radio or TV. Why is that? Because it is the public airwaves, that is why. And for those that challenge the standards that are out there and do not realize what some of these broadcasters have said, I would ask them to come see me during the next couple of hours of debate on the floor, because with me I have a notebook, and in that notebook we have the specific language that broadcasters have used in defiance of the law.

You cannot tell me that this stuff should be on the air. It should not be. We need to make sure we stop it, and we do, in its tracks.

Mr. MARKEY. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in support of this legislation. This is a bipartisan bill that the Subcommittee on Telecommunications and the Internet, led by the gentleman from Michigan (Chairman UPTON) and the Chairman of the full committee, the gentleman from Texas (Mr. BARTON), have put together, working in conjunction with the gentleman from Michigan (Mr. DINGELL) and myself and the other members of the minority on the Committee on Energy and Commerce, working in a bipartisan fashion, in order to craft a bill related to the broadcast radio and television obscenity and decency and profanity issues.

Mr. Chairman, at the outset, I would like to note that this legislation was introduced before the Super Bowl this year, not after. It was an issue that had already percolated up to the attention of the American public and to our subcommittee, and we had already decided that extra attention needed to be paid to the Federal Communications Commission and its lack of enforcement of these very important provisions.

The Subcommittee on Telecommunications and the Internet held three hearings on this issue, and from our hearings we confirmed a number of things. We have learned that although the Federal Communications Commission is charged with ensuring that licensees serve the public interest and that the stations do not air obscene, indecent or profane content in violation of the law and Commission rules, that until very recently, the Commission has not been an aggressive enforcer of the rules. Testimony from Federal Communications Commission

Chairman Michael Powell indicates that cases are still languishing from 2 to 3 years ago.

We also learned that although the Federal Communications Commission has numerous enforcement tools, including the ability to revoke a station license, it appears as though the industry has largely concluded that the Federal Communications Commission is a paper tiger. The rare and paltry fines the Commission assesses have become nothing more than a joke within the broadcast industry, and the Commission never raises license revocation as a consequence for repeated indecency violations, even in the most egregious cases of these repeat violators. This legislation will help us to address the serious enforcement shortcomings at the Federal Communications Commission that we have identified.

Finally, we have also learned that the industry needs to do a better job in educating parents about the tools that already may be in their hands that parents can utilize to address the myriad concerns they raise with us about what is on television. Parents can use the television rating system and the V-Chip, which stems from legislation which I authored as part of the Telecommunications Act of 1996.

However, we have a huge educational challenge with the TV ratings system and how parents can use it in conjunction with the V-Chip. Studies indicate that if a parent of a child 12 and under has a V-Chip-ready TV and knows this, that some 47 percent of such parents use the V-Chip, and they like it, because it allows them to program their TV set for their children 12 and under. Almost all of these parents who know about it are enthused about it. The problem is with the qualifiers. Almost half of those who have bought the approximately 100 million V-Chip capable televisions since 2000 are not aware that they possess a television set with a V-Chip in it.

In addition, many of these parents express confusion over the TV rating system itself, and one major network, NBC, still does not use the comprehensive rating system utilized by everyone else in the television industry. The industry did a good job with much fanfare after the TV rating system was initially finalized, in doing public service announcements and other educational messages regarding the ratings. Yet those efforts have waned in recent years.

In my view, we need a comprehensive, industry-wide campaign to address this issue. The TV set manufacturers and the electronic retailers need to do a better job in alerting television buyers to the V-Chip, in part because many retail employees at these stores who sell TV sets are apparently unaware that the TV sets have a V-Chip in it. In addition, print media ought to include the television ratings of programs in the television guide so that parents see them when they look up what is on television that day or that evening.

Finally, I believe the broadcast industry should renew its educational efforts on the television ratings system and also consider a number of other ideas to better assist parents, which I will address to our television networks on an ongoing basis, in order to ensure that they know that this is an issue that Americans care about.

At our recent hearings, I challenged the industry to do several things to better help parents understand the TV rating system:

First, use the V-Chip and utilize available per-channel blocking technologies on cable television.

I requested that the television industry increase its public service advertisements about the television rating system and the V-Chip. I am happy to report that many, many industry participants on the networks and cable operators have agreed to do so, with some, such as Fox Television, including print advertising in their campaign as well.

I will come back in a while and outline what is happening in the rest of the television and cable industry, but I think it is important for the Congress to pass this legislation, and then to keep up the pressure so that parents are given the tools that they need in order to protect the sights and the sounds which their children are exposed to.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from the good State of Indiana (Mr. BUYER), a member of the subcommittee, a cosponsor of the bill, and a very helpful force in getting this bill to the floor.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 3717. Every second of every day and in almost everything we do we are confronted by a multitude of images, some of which benefit our lives, others which do just the complete opposite.

We live at a time when 98 percent of the households have one or more television sets. As of 2001, there were over 100 million Americans on-line, with almost half of all of U.S. households with Internet access. This new media has enriched our lives. It has given up-to-the-minute news reports from around the world, television shows that both educate and entertain, and Web sites that have every answer to every question posed, it seems.

However, unfortunately, there is a negative side, those Web sites whose sole purpose is to satiate the prurient interests of its viewers, television programs that play to the lowest denominator of decency. There are those who seek to test the boundaries, and those who try to ignite a firestorm, so the 24-hour news stations have something to report on at 3 a.m., or attempt to revitalize a career by shocking viewers. It is these images, the ones we shield our children from, that this legislation seeks to penalize.

This legislation was not born out of an isolated incident from a Super Bowl. It is not a hasty reaction to that at all.

□ 1100

This is a very serious level of effort that has lasted over the last year.

We are raising the fine so that it is feasible and equitable for the government to enforce standards of decency. We are allowing the independent broadcasters who have no control over what they air to avoid liability. We are looking to the individual, who willfully and intentionally defies the law, to be held accountable.

There are some who claim that we are towing the line of censorship; that that is the next step and we will go too far. However, I place the onus upon the network, the broadcasters, the entertainers, and the Web site managers to be their own guideposts of the Constitution and community standards.

Governments should not be the decency police, but when laws are defied, we are required to step in and enforce the law.

I support this bill and I want to compliment the gentleman from Massachusetts (Mr. MARKEY) and also the gentleman from Michigan (Mr. UPTON) for the bill.

Mr. MARKEY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I yield to my colleague from California (Mr. WAXMAN.)

Mr. WAXMAN. Mr. Chairman, I thank the gentleman from Texas (Mr. GREEN) for yielding to me.

I want to take 1 minute to say that the broadcasters have an interest in protecting the public's rights, but what are we doing about the concentration of power in the media? What are we doing about the lack of a fairness doctrine or equal time, especially at a time when we have the most important election with the political debate that ought to be honest, really fair and balanced, not just for some broadcaster to tell us it is fair and balanced when it is not? What are we doing about children's programs?

Instead of dealing with those issues, we have a bill to increase the penalties for indecency on the airwaves while the FCC is already not enforcing the penalties they have at their disposal.

I think we ought to recognize that if people feel they are doing something really important with this legislation, then I think it only opens the door to more government interference in free speech on the airwaves, and that it is somewhat hypocritical for the public to think we are doing something about the important issues in the broadcasting area when we are not even addressing, and the Republican leadership has stopped us from addressing, the concentration of the media in all these other matters.

Mr. Chairman, I thank the gentleman for yielding. I plan to vote no on the bill.

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the Broadcast Decency and Enforcement Act of 2004, which is a bipartisan product of the

House Committee on Energy and Commerce and the Subcommittee on Telecommunications and the Internet. Both the ranking member, the gentleman from Massachusetts (Mr. MARKEY) and our chairman, the gentleman from Michigan (Mr. UPTON), have produced a good bill incorporating ideas of a number of Members.

Let me say in response to my colleague from California, I noticed a substantial change in the last 2 months with the Federal Communications Commission. And I will talk about that a little bit. That without this legislation increasing the penalties, without the hearings we held, we would not see renewed vigor and renewed interest by the FCC enforcing the decency standards.

And so, that is why even though the bill basically just increases the fines, what it did was it brought attention to the issue along with what has happened with our media outlets all across the country, I think, culminated in with what I think my colleague from New England would agree, was a great Super Bowl football game, but was eclipsed by what happened at half time.

So, granted, this bill raises the penalties, but it also brought the attention of the regulators and a renewed vigor in enforcing the current law.

It also includes an accountability in the bill that allows broadcast TV affiliates to place liability for content provided by the networks when the affiliates had little or no input on programming.

Again, I want to thank the chairman and the ranking member for working with me on this provision. We ought to make the penalties be where the people are making the decisions on the content, and not someone who just happens to have a license, who would not want the Super Bowl.

The legislation also reaffirms the authority of the FCC to evaluate the licenses for television, radio, or broadcasters that repeatedly run afoul of FCC's indecency standards. Congress is not creating a new standard for content for public airwaves, we are only requiring that the current standards be enforced in a meaningful way.

I think many radio and television broadcasters and cable and satellite providers are taking significant steps to respond to the American public on this issue. Broadcasters are going to convene a decency submit at the end of this month. The sickest radio shock jock, Bubba the Love Sponge, is off the air. The television networks are going to delayed feed for live shows so we will not have any accidents as we saw at the Super Bowl.

The cable and satellite providers are stepping up efforts to educate their customers about their ability to block out channels they do not want to receive. And I hope these industry actions continue, and combined with our legislation, will cause the increasing indecency of broadcast content over the past few years to be reversed.

In Congress, we can get back to our important things. And this I do agree with my California colleague on reducing the national debt, creating more American jobs, expanding health care for our needy children.

The FCC has never been particularly motivated on the indecency cases, but in the last 3 years, complaints have increased so substantially, and after these hearings, now the Commission has seen a renewed interest in enforcement, particularly, again, after the hearings. And hopefully our action today will get the Commission in an even more aggressive motion.

Again, the ranking member, the gentleman from Massachusetts (Mr. MARKEY), the chairman, the gentleman from Michigan (Mr. UPTON), the ranking member, the gentleman from Michigan (Mr. DINGELL), and our new chairman, the gentleman from Texas (Mr. BARTON) are to be commended on their work here today. I urge my colleagues to approve the legislation.

Mr. Chairman, I would just briefly say something about our immediate past chairman. I think all of us send our prayers and our hope to the chairman, the gentleman from Louisiana (Mr. TAUZIN) on his treatment and his surgery for his illness that was announced this week. Again, as a Democrat, we worked together typically on our committee, and all of us hope that the gentleman and his family are successful in being treated. Again, I yield back my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Pennsylvania (Mr. PITTS), a very active member on this issue, an original cosponsor, one that has helped in many ways to get this bill to the floor.

Mr. PITTS. Mr. Chairman, it is about time that we act on broadcast indecency. First I want to commend and thank the chairman, the gentleman from Michigan (Mr. UPTON) for his steadfast leadership on this issue. He has been one of the primary reasons for its success.

This is not a new issue. Parents have been pleading with us to take action on this issue for years. Unfortunately, it took the use of the four letter word on network TV and Janet Jackson's indecent exposure at the Super Bowl and Howard Stern's foul and racist language to push us into action.

I, for one, am tired of parents telling me how they need to cover their children's eyes and ears often too late because of the unacceptable language that has infiltrated television and radio. For too long, we have told the entertainment industry that the Federal Government is unwilling to hold them accountable for their actions.

Today we are saying enough is enough. H.R. 3717 sends a clear signal to the entertainment industry, we are no longer going to stand idly by and force our parents to put up with this filth.

H.R. 3717 is a good bill. Serious fines ensure that the FCC has the freedom to

truly hit these huge companies where it hurts. And one of the most important provisions in the bill was added by my friend, the gentleman from Mississippi (Mr. PICKERING), the three-strikes-and-you-are-out provision. It allows broadcast licensees up to two broadcast indecency violations. On the third, proceedings for license revocation will begin. And this provision will make it clear that Congress is not going to put up with multiple violators.

Mr. Chairman, families are sick and tired of worrying about what their children may see or hear every time they turn on television. They are frustrated that the media and industry has seemingly been able to broadcast any type of behavior or speech they feel will bring in advertising dollars. Meanwhile, they feel that the Federal Government has sided with the media elites and turned a blind eye to the concerns of ordinary mom and dads.

To American parents, Congress has finally heard you. We will no longer stand idly by on this topic. As one of our Members said, if the entertainment industry cannot police themselves, we will do it for them. So I thank the gentleman from Michigan (Mr. UPTON), I thank the gentleman from Massachusetts (Mr. MARKEY), and the leadership of the committee for moving this important bill.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN), who added two very important amendments to this legislation.

Mr. WYNN. Mr. Chairman, I would also like to thank the ranking member, the gentleman from Massachusetts (Mr. MARKEY), for allowing me to have this time.

I rise in strong support of this piece of legislation. I would also add in my thanks to the chairman, the gentleman from Texas (Mr. BARTON) and my thanks to the ranking member, the gentleman from Michigan (Mr. DINGELL) for working with me on some amendments that I do believe strengthen this bill.

I think this is a very important issue for our country and our society. I do not think Congressmen should be the overseers of morality, I do not think Congress people are in a position to dictate censorship; but I do believe we are in a position to say that there ought to be some standards for decency in this country on broadcast TV.

You see, unlike cable TV, which we invite into our homes, broadcast TV is ubiquitous. It is a public asset which we give away free to broadcasters to make a great deal of money. Because of that relationship, I believe they should adhere to high standards of decency, particularly during family viewing hours. That is why I think this bill is so important.

I think the situation at the Super Bowl was only a small example of some of the things that American families are concerned about. We have to ask

the question, will we sink to the lowest common denominator, the lewdest, most lascivious type of content, or will we say there are standards that have to be balanced. I think this bill says yes, there have to be standards.

Let me tell you, from the Baptist church to the barber shop, people are saying this is the right thing to do. This bill strengthens penalties against broadcasters and others who engage in indecent content, indecent speech over public broadcast airwaves during family hours. And I think it is very appropriate.

I worked with other members, my colleague, the gentlewoman from New Mexico (Mrs. WILSON), as well as my colleague, the gentleman from Mississippi (Mr. PICKERING) on the Republican side, to add some strengthening measures in this legislation. Specifically, current law provides a presumption of license renewal. We should not have that presumption. We have now modified that. There is no presumption if there is evidence of incidents of indecent broadcasting.

Similarly, routinely broadcasters have their licenses renewed. We believe that after three strikes, there ought to be an automatic revocation proceeding in which the merits of your conduct are examined before your license is renewed.

As I said at the onset, this is a very important issue for our society. It describes the type of people we are. We are not censors, we are not morality police, but we are fair and decent people who care about what our children see and what they are exposed to.

This bill, I think, strikes a proper balance by giving some real teeth to the enforcement process and providing incentives for broadcasters to be more conscious, to be more aware of public sensibilities. I think we have done the right thing. I am very proud and pleased to support this legislation.

Mr. UPTON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce, my friend and colleague.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I rise in strong support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004. And I want to compliment the subcommittee chairman, the gentleman from Michigan (Mr. UPTON) and the ranking member, the gentleman from Massachusetts (Mr. MARKEY) for their strong leadership on this issue as well as the ranking full committee member, the gentleman from Michigan (Mr. DINGELL). They have all worked very well and very positively on this very important legislation.

This bill has strong bipartisan support, 145 cosponsors in the House. It was reported out of the committee last week 49 to 1. The bill has been dubbed the "Super Bowl Bill," but what many

people I think do not realize is that H.R. 3717 was well on its way before the antics that we witnessed during the Super Bowl half-time show.

In fact, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) had already held a hearing on it before the Super Bowl show occurred. But after that event did occur, one thing is absolutely crystal clear: This bill answers the call that we have heard from parents around the country, hundreds of thousands, if not millions of them, who are begging for some help. H.R. 3717 will make living rooms safe again all over America.

We have been bombarded in recent past with indecent language and images over and over again. Between the use of an expletive by Bono at the 2003 Golden Globe Awards, Nicole Ritchie's string of expletives at the 2003 Billboard Awards, Janet Jackson's infamous performance during the 2004 Super Bowl half-time show, and innumerable instances of graphic sexual broadcasts by radio "shock jocks," parents want and demand help.

There is a clear need to provide the FCC with increased authority to hold all parties responsible for their actions. H.R. 3717 targets broadcast indecency by doing the following: Number one, it raises the maximum penalty cap for broadcast stations, networks, and performers to \$500,000 for each indecency violation.

Number two, it sets out specific factors the FCC must consider when setting fines so that the FCC must examine whether the violator is a small or large broadcaster, a company or an individual, and what entity is responsible for the indecent programming.

□ 1115

Three, it streamlines the FCC enforcement process for networks and individuals who "willfully and intentionally" put indecent material over broadcast airwaves so that the FCC can prosecute on the first instance, instead of having to wait for a second violation. Now everyone, including performers, will be held responsible for their action from the get-go.

Four, the bill requires the FCC to complete an action on indecency complaints within 270 days of receipt so that complaints do not languish at the FCC. In addition to collecting fines for indecency, the bill gives the FCC the authority to require broadcasters to air public service announcements to reverse harm from indecent programming.

This is an idea that came from the gentleman from Massachusetts (Mr. MARKEY), and it is a very good idea.

Five, it requires the FCC to take indecency violations into account during license applications, renewals and modifications.

This idea came from the gentlewoman from New Mexico (Ms. Wilson).

Number six, after three indecency violations, the bill would require the

FCC to hold a hearing to consider revoking the broadcast station license, the gravest of penalties for a broadcaster. That idea, among others, came from the gentleman from Florida (Mr. STEARNS).

Seventh and finally, the bill requires the FCC to report annually to Congress on the progress it is making as a result of legislation.

Mr. Chairman, H.R. 3717 makes great strides in our effort to clean up the broadcast airwaves and return them to the decent Americans of our country. I urge all of my colleagues to support it.

Before I conclude, let me say that on the Schakowsky amendment I am going to strongly oppose that particular amendment. I think it is absolutely constitutional that performers themselves can be held accountable in the first instance and not after the second instance after the so-called "warning ticket" approach. So I will strongly oppose the Schakowsky amendment and then strongly support passage of the final bill.

I thank the chairman for his strong leadership on the bill.

Mr. MARKEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Los Angeles, California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, very quickly, I want all to know that I rise in support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004, but I am sorry that this was a closed rule on that bill. There are a couple of points I wanted to make.

I have received a letter from the American Federation of Television and Radio Artists on behalf of 80,000 actors, broadcast journalists, announcers, disc jockeys, and sound recording artists saying that they are asking us to reject the provisions of the bill that would fine individual performers and announcers for the programming decisions controlled and implemented by the broadcast licensees. And I would ask my colleagues to think about that particular provision. I understand we have already voted on the rule.

The next point I wanted to make is that since the FCC has already allowed the major networks to own up to 45 percent of the market, I feel that that is the root cause for some of this indecency that we hear through the media. And it is important for us to recognize that this bill taps into the underlying anger of over 2 million individuals who wrote to the FCC last summer opposing its relaxation of media ownership rules. And I just want to mention some shocking statistics that illustrate the connection between indecency and media concentration.

The 1996 Communications Act cleared the way for relaxing some media ownership limits. Since then, complaints received by the FCC regarding indecent programs on television have jumped from 26 in the year 2000 to 217 in the year 2003. Clear Channel Communications Incorporated, the Nation's largest radio chain with 11 percent of the Nation's total studios and stations, has

received about 52 percent of the fines that the FCC has imposed. Viacom's Infinity station, about 2 percent of all stations, has received 28 percent of the FCC's fines. So the fact is when big media gets bigger and the race for audiences turns to the lowest denominator in trash programming to appeal to the broadest possible audience, those conglomerates move further away from quality programming and the principles of "diversity, localism and competition" crucial for the service of the public interest.

Finally, I was in support of the Schakowsky amendment that would have exempted individuals from increases in indecency fines. And hearing from the industry, they are very upset about the possibility. So I am hoping that we can clear up some of these issues in another piece of legislation.

Mr. Chairman, I rise in support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004. While I support giving the Federal Communication Commission greater authority in the enforcement of indecency rules, I don't believe it addressed the root cause of indecency in media, namely, the current trend of unfettered media conglomeration and its impact on creative voices.

I think it is important for us to recognize that this bill taps into the underlying anger of the over 2 million individuals who wrote to the FCC last summer opposing its relaxation of media ownership rules, individuals who were truly turned off by a dumb-down media culture that has failed to serve the public interest. The bottom line is, a consolidated media market controlled by profit-driven conglomerates are bound to produce indecent, shock-value programming for the sake of viewership.

I just want to mention some shocking statistics that illustrate the connection between indecency and media concentration. The 1996 Telecommunications Act cleared the way for relaxing some media ownership limits. Since then, complaints received by the FCC regarding indecent programming on television have jumped from 26 in 2000, to 217 in 2003. Clear Channel Communications Inc., the Nation's largest radio chain with 11 percent of the Nation's total stations, has received about 52 percent of the fines the FCC has imposed. Viacom's Infinity Stations, about 2 percent of all stations, has received 28 percent of the FCC's fines.

The fact is, when big media gets bigger, and the race for audiences turns to the lowest denominator in trash programming to appeal to the broadest possible audience, those conglomerates move further away from quality programming and the principles of "diversity, localism, and competition" crucial for the service of public interest.

That is why the Senate this week adopted a provision to impose a 1-year moratorium on the FCC's new media-ownership rules pending the outcome of a new GAO study on the connection between media indecency and ownership. I am very disappointed that a similar amendment offered by the gentleman from New York (Mr. HINCHAY) was rejected by the Rules Committee. Mr. Chairman, while I am prepared to vote for the bill, I strongly urge this Chamber to allow a thorough debate on the issue of media consolidation.

Mr. UPTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Or-

egon (Mr. WALDEN), who offered a very constructive bipartisan amendment that is part of the package of this bill.

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman for his work on this legislation.

I want to acknowledge up front that I am a broadcast licensee, owner and operator of five radio stations, and I am very supportive of this bill in this form.

It was time that the broadcast community cleaned up the airwaves, that owners took the responsibility to make sure that the talent on their shows operated within the bounds of the law. It is important to note that this legislation does not change the standards that have always been on the books and recognized by the courts when it comes to clean talk on the airwaves.

This legislation, though, gives the FCC the fining authority it needs to deal with egregious violations of the law and also the incentive it needs to act, and act more appropriately.

For those of us who are small-community broadcasters, it also recognizes that the fine should fit and the punishment should be fair; and, therefore, it recognizes both the role of affiliates and their liabilities versus those providing the programming, as well as having the FCC recognize market size when levying fines. Because, indeed, a fine of a half a million dollars on a small-market broadcaster could spell bankruptcy, when on a large conglomerate, it may be just another cost of doing business.

I want to conclude my remarks this morning by having Americans and Members in this Chamber recognize fully that the actions that are taken by some broadcasters are not the actions taken by most broadcasters. Allowing indecent, profane, and obscene language on stations is something most of us find offensive, just as most Americans do. Broadcasters have made enormous contributions to their communities, raising money for charity, helping in emergencies, and providing that vital communication link.

Mr. Chairman, I support this bill. I thank the Chairman for his support of the amendments that were included.

Mr. MARKEY. Mr. Chairman, I yield 6 minutes to the gentleman from Chicago, Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I want to thank the ranking member for yielding me time.

I want to engage in colloquy with the chairman of the subcommittee, the gentleman from Michigan (Mr. UPTON).

During a recent subcommittee hearing on broadcast indecency, we heard testimony that it is the Federal Communication Commission's policy that persons submitting complaints alleging indecent broadcast must submit a tape, transcript, or significant excerpt of the alleged indecent content or risk having the complaint dismissed.

Do you recall that testimony?

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. RUSH. I yield to the gentleman from Michigan.

Mr. UPTON. Yes, I do. The testimony was provided by Brent Bozell, President of the Parents Television Council. The FCC claims, however, that they no longer adhere to that policy.

Mr. RUSH. I understand that it is the FCC's official position; however, unfortunately, the FCC's claim is incorrect. According to a March 2, 2004, letter from Chairman Powell to the ranking member, the gentleman from Michigan (Mr. DINGELL), since 2001 the commission has dismissed 170 complaints for lack of a tape or transcript, including six already this year, 2004.

Does the gentleman agree that this policy places an enormous and inappropriate burden on consumers who simply wish to file a complaint about indecent broadcast?

Mr. UPTON. I agree with the gentleman from Illinois (Mr. RUSH), consumers should not be forced to record every program that they watch or listen to in order to submit a complaint to the FCC alleging indecent content. It is an outrage that the FCC continues its practice of dismissing consumer complaints for lack of a tape or transcript.

Mr. RUSH. I appreciate the gentleman's concern, Mr. Chairman, on this matter. Do you agree that our committee must closely watch this issue and urge the FCC to change its policy statement in this matter?

Mr. UPTON. I agree with the gentleman from Illinois (Mr. RUSH).

The committee will closely monitor the FCC's action to ensure that the FCC actually changes their policy in that regard, and I thank the gentleman for bringing this to our attention; and I look forward to working with him on this issue to make sure that that change, in fact, is made in order.

Mr. RUSH. I thank my good friend and chairman of the Subcommittee on Telecommunications and the Internet for his concern and assurance on this matter.

That said, Mr. Chairman, I rise in support of H.R. 3717. For the past month, the Committee on Energy and Commerce has held numerous hearings on the issue of broadcast indecency. In those hearings, we heard from the FCC commissioners and the broadcasters on the enforcement of indecency rules. It became clear that the FCC has been neglectful in its duty in enforcing indecency rules. From 2000 to 2003, the commission has received 255,000 complaints on the subject of indecency, yet the commission had filed less than 10 notices of apparent liability. To add insult to injury, since its existence, the commission has yet to fine a broadcaster for airing language that is obscene and profane.

As we can see, there has been a dereliction by the FCC of its duties. Some have argued that the commission needs additional authority from Congress to

make a serious effort to stop indecency. That said, Mr. Chairman, I believe that H.R. 3717 will give the commission the ammunition it needs to do just that.

The bill not only increases fines but compels the FCC to use its renewal and revocation processes to go after licensees, and it compels the FCC to act in a timely manner regarding consumer complaints.

Mr. Chairman, I would be remiss if I did not discuss the pervasiveness of violent programs on our airwaves. During our month-long hearing discussing this issue, I offered and withdrew an amendment that would have required the FCC to include excessive violence in its definition of indecency.

Study after study has shown that there may be a causal link between violence in the media and violence in society.

Mr. Chairman, I am pleased that the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY), the ranking member, have agreed to hold a separate hearing on this issue. Such a hearing is needed to focus the collective attention of this committee on detrimental effects of violence in the media as it relates to our children.

Again, I urge Members on both sides of the aisle to vote in favor of this wonderful bill, H.R. 3717, the Broadcast Decency Enforcement Act.

Mr. Chairman, I rise in support of H.R. 3717, the Broadcast Decency Enforcement Act. For the past month the Energy and Commerce Committee has held numerous hearings on the issue of broadcast indecency. In those hearings we heard from the FCC Commissioners and the broadcasters on the enforcement of the indecency rules. It became clear that the FCC had been neglectful in its duty in enforcing indecency rules. From 2000 to 2003 the Commission had received 255,000 complaints on the subject of indecency yet the Commission had filed less than ten notices of apparent liability (NAL's). To add insult to injury, since its existence the Commission has yet to fine a broadcaster for airing language that is obscene or profane. As you see, there has been a dereliction by the FCC of its duties. Some have argued that the Commission needs additional authority from Congress to make a serious effort to stop indecency. That said, I believe H.R. 3717 would give the Commission the ammunition it needs to do just that. The bill not only increases fines but compels the FCC to use its renewal and revocation processes to go after licensees and it compels the FCC to act in a timely manner regarding consumer complaints.

I would be remiss if I did not discuss the pervasiveness of violent programming on our airwaves. During our month long hearing discussing this issue I offered and withdrew an amendment that would have required the FCC to include excessive violence in the definition of indecency. Study after study has shown that there may be a causal link between violence in the media and violence in society. I am pleased that Chairman UPTON and Ranking Member MARKEY have agreed to have a separate hearing on this issue. Such a hearing is needed to focus the collective attention of

this committee on the detrimental effects of violence in the media as it relates to our children.

And lastly, as we give the FCC this increased power, I would like us to consider giving preference to socially and economically disadvantaged groups for the purchase of the revoked licenses.

Again, I urge members on both sides of the aisle to vote in favor of H.R. 3717, the Broadcast Decency Enforcement Act.

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Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

(Mr. GINGREY asked and was given permission to revise and extend his remarks.)

Mr. GINGREY. Mr. Chairman, I rise today in support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004, and compliment my colleagues on both sides of the aisle, especially the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY), for bringing this important legislation to the Congress.

Our Nation's television and radio airwaves have increasingly become inundated with indecent, obscene, and profane material. The recent Super Bowl half-time show was only the latest in a string of incidents to make front-page headlines. Other performers, celebrities, and shock jocks have coarsely invaded our homes with their language and their antics.

Networks and entertainers must acknowledge that our liberties also require responsibility and that avoidance of this responsibility places our family and our children at risk.

These incidents involving profanity, lewd behavior and language have been occurring with only a slap on the wrist or no response at all from the FCC. With current allowable fines of only a maximum of \$27,500 per violation, there is very little incentive for broadcasters to follow the regulations when the rewards of higher ratings, due to their selection of programming, far outweigh those costs.

H.R. 3717 will put some teeth behind the FCC's enforcement of their standards of indecency by increasing the maximum amount of fines to \$500,000 per violation and will allow them to enforce their current regulations in a swift and fair manner by removing the warning after a first offense and a capped maximum fine of only \$11,000 after the second offense.

We must provide the FCC with the authority that they need to combat this wave of indecency. Our families and our children deserve nothing less.

I urge my colleagues to support H.R. 3717.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

I just wanted to point out that I have requested that the television industry increase its public service advertisements about the television rating system, and I am happy to report that many in the industry have agreed to

provide much more public education about this technology in TV sets so it is easier for parents to be able to figure out how to program it and to provide just the level of protection which they want for the children in their home, at whatever particular age they may be.

I also challenged the television networks to consider a couple of suggestions with respect to the broadcast of the ratings icon on the screen. I requested that the TV ratings icon appear not only at the top of a show but also after commercial breaks when the show resumes. That is because a lot of times people turn on the show after it has already started and they have no idea what the rating is. So I have asked them to actually put on the rating at each commercial break as well so that parents can see what the level of the rating is and make an adjustment for their own particular families.

I also requested that the networks add a voice-over when the ratings appear to also better alert parents. The ABC television network readily agreed to both suggestions, as did Bud Paxon on behalf of his PAX network. The other three major networks, Fox, NBC and CBS, have indicated that they are considering it but have not yet committed to doing so. I hope that they join ABC in doing it because I think it is helpful, quite frankly, to give parents this kind of additional information.

It does not detract from any network's ability to be able to put any programming on that they want. It just gives parents the information they need in order to shield their children from material which they believe may be inappropriate.

I also challenged the cable industry, in addition to increasing their public service advertisements, to increase consumer awareness of the provisions of the 1992 Cable Act that permits any cable subscriber in America to request that the cable company block any one of the cable programs that they believe is inappropriate for their family. It is a right that every American has in terms of their relationship with their cable company, but no more than 1 percent of all Americans even know they have the right to have any one of these individual cable channels blocked from coming into their home, even if they have bought the whole other part of the cable package.

I believe that if the cable industry made it clear in their bills, the information they give to consumers, that millions of American families would be much happier if they could take the whole cable package and then delete a couple of channels that they believe were too offensive for their young children and their family. I think it can be a real step forward, and I have received some very encouraging information from some of these cable networks that they will provide that option.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), a cosponsor of the legislation.

Mr. FORBES. Mr. Chairman, I rise today in strong support of H.R. 3717 and the gentleman from Michigan's (Mr. UPTON) efforts to pass this act. Over the last several months, I have received hundreds of letters from frustrated constituents expressing their outrage over obscenity on our airwaves.

They tell me it seems that every time they turn on their television or radio they have to cover their children's eyes and ears to protect them from profanity and obscenity. It is a disturbing feeling when one is afraid to leave their living room to check on dinner for fear that their children might be exposed to gross obscenity on television.

My youngest child is still in high school; and as a dad, I would like to be there all the time for him, to turn off the television, to talk to him about why people say the things they do and to provide the guidance he needs; but we all have busy lives, and we know that it is not possible to be there every minute. As parents and as citizens, we should not be forced into a constant battle to protect our children from obscenity. We should have confidence that basic standards of common decency will be upheld.

Several years ago, the Super Bowl half-time show featured characters from Disney and Peanuts. As we all know, this year's Super Bowl half-time was quite the opposite. While there was a time when parents would be happy to see their children emulate their role models on the playground, today that would be a horrifying sight.

With each inappropriate incident, networks weaken our standards of decency and blur our children's sense of propriety. This legislation will hold broadcasters accountable by ensuring that fines for broadcast indecency are not seen as just a cost of doing business. It has become much easier for broadcasters to ask for forgiveness rather than permission.

At this point, our mandate as legislators is clear: stand up against the continued decline in standards of broadcast indecency and pass H.R. 3717.

Mr. MARKEY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), who is the ranking member of the full committee.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, with thanks I accept 2 minutes from my dear friend.

First of all, Mr. Chairman, I rise in support of the legislation.

Second of all, I congratulate my dear friend, the gentleman from Massachusetts (Mr. MARKEY), for his outstanding leadership in this matter. He has been long interested in this matter and has provided remarkably good leadership in this matter.

I also commend my good friend from Michigan (Mr. UPTON). He has served in this body with distinction and has provided extraordinary leadership here, also.

I congratulate the gentleman from Texas (Chairman BARTON) for his new position and for his leadership in shepherding H.R. 3717 through the committee process.

This is a bill which is bipartisan; and the committee has worked well in a bipartisan fashion which does great credit to the Members, and particularly the leadership of the committee, for having done so.

Our constituents are fed up with the level of sex and violence on television and radio, as well as the lax attitude of the Federal Communications Commission's handling of decency complaints. Clearly, the commission has been asleep at the switch for some time.

The bill sets a deadline by which the commission must act on consumer indecency complaints. It raises the penalties for that kind of misbehavior. It makes these matters subject to review in connection with license renewal, or makes it possible for the commission to do what they have now the power to do; and it encourages them so to do by seeing to it that this matter will be raised also at the time of license renewal.

The bill raises fines by a significant amount. That is good. It also requires the commission to report annually to the Congress on the handling of these matters, something which will perhaps alert them to the need to proceed with greater vigor.

I applaud the fact that the commission has developed a remarkable and acute sense of newly found virtue. This is good, and it is my hope that the commission will remain awake, alert and vigilant, although their history is significantly against that kind of prospect.

In any event, I look forward to the bill being enacted into law. I commend my colleagues for the work they have done. I look forward to the prospect that this is going to see to it that free, over-the-air television will be something which we can see to it that our families in this country can have their children watch television without having to worry about the kind of situation that they will confront in terms of decency, profanity and other things which are unseemly and unsuited to the way in which most American parents wish to raise their kids.

I urge my colleagues to support the bill. I, again, commend my colleague, the gentleman from Massachusetts (Mr. MARKEY), and the others for the outstanding job which they have done in presenting this bill to the House, and I urge my colleagues to support it.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from the good State of California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the gentleman from Michigan for the time.

I rise today in support of the legislation that he has brought to the floor. I

do want to add my compliments to the gentleman from Massachusetts' (Mr. MARKEY) efforts and the gentleman from Michigan's (Mr. DINGELL) and others. I think for the first time we have very clearly approached the root cause of this.

As the gentleman from Michigan (Mr. UPTON) and others have spoken, the broadcasters who have allowed the creeping profanity and indecency to enter our airwaves have done so on the basis of a conscious decision they have made, that is, they are trading that kind of language for the added revenue that comes from increased ratings. The gentleman from Michigan's (Mr. UPTON) bill significantly increases the penalties for violation of existing FCC rules and regulations; and in that regard, I hope that it will go a long way towards abating this kind of activity.

I have always felt that addressing the bottom line of our licensees would be an effective means of influencing their behavior, and I hope this works accordingly. I do think there remains a certain uncertainty as it relates to how the broadcasters shall address this issue having to do with exactly what is profane or what is not profane. I suspect that we will be dealing with that either with regulation at the FCC or here on the floor by statute in the days to come.

It is really remarkable to see the connection between, if you will, the outside world or the private side, how our constituents communicate with those of us elected to the House or the Senate, in some cases, react to certain instances, and what actually transpires. As with many of the Members here, I have received not dozens, but hundreds, of communications regarding the, as the gentleman from Georgia (Mr. GINGREY) said, the creeping profanity.

This is a great step in the right direction. I applaud the chairman for bringing it forward, and I thank him for the time.

Mr. MARKEY. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I rise today in support of this bill, but it is only a partial step in the battle to clean up our airwaves.

By increasing fines for broadcasters, we are addressing only a symptom of the problem, not the cause. We cannot ignore the correlation between indecency on our airwaves and the increased concentration of media ownership. It is not a perfect correlation, but it is a strong one.

In recognition of that, our colleagues in the other body have improved this bill in several ways. I wish our colleagues in this Chamber had followed suit.

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First, the gentleman from New York (Mr. HINCHEY) and I pushed for an

amendment, not made in order, unfortunately, which would have addressed the true effects of media consolidation before moving forward with the FCC's newly relaxed rules. This amendment, introduced by Senator DORGAN and adopted in committee, calls for a GAO study, and it stays the new rules pending the completion of that study. I wish the leadership in this Chamber had allowed us to offer the same.

Secondly, the Senate Commerce Committee also adopted an amendment, sponsored by Senator HOLLINGS, which would take steps to ensure that parents can use V-chips to block violent programming. The bill would require either that programs be rated for content, so that they may be filtered with the V-chip, or that a "safe harbor" family hour be created so that violent programming is simply not televised when children are likely to be watching. My colleagues, the gentleman from California (Mr. BACA) and the gentleman from Nebraska (Mr. OSBORNE) and I have introduced a companion bill in this Chamber.

Mr. Chairman, at the root of all these efforts is the undeniable fact that we are losing control of our airwaves. I hear from constituents all the time saying, "Where are the standards? How can I shield my children from inappropriate programming? And why are the people who put this on the air not held accountable?"

They are right. Our communities virtually have no say in the quality of the programming they are subjected to on broadcast television. And the network executives in L.A. or New York do not seem to feel they owe them anything.

As big media conglomerates get bigger, they are sinking to new lows. We are witnessing a race to the bottom as these networks seek to expand their influence through shock value instead of quality programming.

The Super Bowl was only one example, Mr. Chairman. CBS may blame MTV for its infamous half-time spectacle, but the common denominator for both networks is their owner, Viacom. And the "wardrobe malfunctions," or whatever you want to call these episodes, will not stop there.

If we are serious about cleaning up our airwaves, we need to do what the American people are demanding: Give them back their local media. And we need to do much more than impose fines on the broadcasters that, even if they are increased, are hardly going to make these corporations bat an eye.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), an original cosponsor of the legislation.

Mr. SMITH of Texas. Mr. Chairman, first of all, I would like to thank the gentleman from Michigan (Mr. UPTON) for yielding me this time, but also for introducing this legislation.

Mr. Chairman, the broadcast of offensive language is a growing and disturbing trend. Members of the Parents Television Council, a group that mon-

itors television broadcasts, filed 85,000 complaints about broadcast obscenity and indecency with the Federal Communications last year.

The networks have pushed the limits of decency to the point that family-oriented programs and enjoyable American pastimes, such as the Super Bowl, are no longer safe for our children to watch.

Unfortunately, the FCC has given television and radio stations too much power to broadcast behavior or language they believe will bring in the high ratings or advertising dollars. This undermines standards of common decency and impedes the ability of parents to raise their children free from exposure to profane language.

Low fines for indecency only encourage more indecency. It has become apparent some performers will accept a small fine for offensive and crude behavior in return for the media attention it creates. This is one of the reasons I support this legislation that increases fines for indecent language on radio and television.

Mr. Chairman, this is not a constitutional issue. The Supreme Court has upheld the FCC's authority to regulate broadcasts. In fact, the court said "Of all forms of communication, broadcasting has the most limited first amendment protection. Among the reasons is that broadcasting is uniquely accessible to children."

The entertainment industry has become increasingly isolated from the American people. We are still a Nation that believes in standards of common decency and respect for traditional values. This bill will help us uphold those values.

Mr. MARKEY. Mr. Chairman, could the Chair tell me how much time is remaining on either side?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) has 12½ minutes remaining, and the gentleman from Michigan (Mr. UPTON) has 22 minutes remaining.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), not only an original cosponsor of this legislation, but also one that came, before the Super Bowl, who sat through our first hearing, way back in January, to sit with the audience.

Mr. OSBORNE. Mr. Chairman, I particularly want to thank the gentleman from Massachusetts (Mr. MARKEY) for introducing this bill. I think that is standard fare. You always thank people who author these. But, believe me, this is something that many citizens across this country greatly appreciate because it actually introduces some meaningful penalties for indecency, something that has been lacking for a long time.

This bill, as I see it, is not really a reaction to the Super Bowl half-time show, as maybe the chairman pointed out. It is a reaction to the 240,000 com-

plaints that were filed regarding indecency at the FCC in the year 2003. As a result of those 240,000 complaints, only three notices of violations, with minimal fines, were ever compacted. So, essentially, complaints of indecency have been largely ignored.

Also, this is a reaction to the fact that Bono issued four epithets and no violation was found because he used these as adjectives. So also the FCC has suspended no broadcast licenses in the history of its existence.

The Super Bowl half-time show, I think, did serve a purpose because it offended mainstream America. It gave tracks to the bill, and the outcry reached unparalleled proportions.

I feel that the strength of a Nation is measured by its adherence to standards of decency and civil discourse. During the last few years, we have been embarked, as many have said, on a race to the bottom. The standard of decency in place for roughly 200 years of our Nation's history has been shattered, and this has been an alarming trend.

DeTocqueville said, "America is great because America is good." One of the greatest threats to our culture is that America will no longer be a decent, moral, good society. This bill will help reverse an alarming trend. I urge passage, and I would like to thank the committee, and particularly thank the authors.

Mr. UPTON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New Mexico (Mrs. WILSON), another original cosponsor of the legislation.

Mrs. WILSON of New Mexico. Mr. Chairman, I want to thank the chairman and the ranking member for their leadership on this issue in bringing this bill so rapidly to the floor.

The Federal Communications Commission plays a very important role in protecting Americans, and particularly children, from indecent programming. The FCC has the statutory authority to enforce the laws that are on the books, but their enforcement has been inadequate and the tools that they have had at their disposal have also been insufficient. This bill today will help to change that situation.

This legislation increases the fines from what was really a trivial amount, a cost-of-doing-business kind of fine, to a maximum of \$500,000 per violation. It also says that a broadcast company's record of indecency will be a factor when they apply to continue to get their free over-the-air license continued. And I hope that that gets the attention of the companies that are pushing the envelope with respect to indecency.

It also increases the expectations for enforcement by the FCC. We have heard the numbers and the statistics, which are appalling, regarding the enforcement of these laws. Some of the complaints go unanswered or unaddressed for years. This bill establishes a shot clock of 270 days where the FCC has the obligation to take action when there is a complaint for indecency.

I also think that this bill makes very clear, and this effort should make clear, that local affiliates have the right to decline to air programming which is inconsistent with community standards, even when it is not indecent or profane. In the hearings in our committee, we heard about local affiliates who felt as though they really did not have the leverage within the networks. This legislation shows they do have the leverage, they can exercise it, and we also will punish the networks if they fail to follow the law.

Mr. Chairman, I believe we have already had an effect on this industry. FCC enforcement was lax and, when imposed, was largely symbolic. We are changing that. But the real change will come in the board rooms and the general managers' offices and broadcast studios across this country when people decide to be responsible and to entertain rather than denigrate.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, this bill certainly is fine, as far as it goes, but the fact is that higher fines are going to do nothing to mitigate the real problem, which is the concentration of power in the hands of a limited number of large corporations that believe they are outside the reach of the communities they serve.

Communities determine standards of decency, and the most effective enforcement of those standards is through local ownership of television and radio stations. FCC fines, even in the millions, will not stop national broadcasters from lowering standards.

Infinity stations, for instance, were fined \$1.7 million to settle a series of indecency cases, but that did not stop them. On the contrary, just last year, they were fined for a radio contest for couples willing to perform sexually in public places in New York, Washington, D.C., and other cities with a different radio announcer following each couple and providing the play-by-play accounting of the activities.

The House tried to do something about the core problem when it adopted, in a bipartisan manner, the Commerce, State, Justice appropriations bill, which had a provision to prevent the FCC from relaxing the established limits on network-owned television stations, and the Senate did the same thing. But at the last moment, in the dead of night, the White House convinced Republican congressional leaders to cave in to the special interest media conglomerates and they agreed to weaken the provision.

So by all means, pass this bill, if you want. It will perhaps have a minor effect. But if you really want to do something to give communities the ability to stop this nonsense, you will take away from the FCC the ability to concentrate broadcasting power in the hands of a few corporations. That is what makes the system so fundamentally arrogant. That is what puts the

system so far out of the reach of average citizens, who resent seeing this garbage.

Until the Congress acts on that, it will be simply dealing with window dressing.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING), an original cosponsor of the bill and, more importantly, a fellow dad.

Mr. PICKERING. Mr. Chairman, I commend you for your work, the whole House, the ranking member, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY) for their good work, the bipartisan work in response to what we have seen across the country, and that is a rising up of outrage of families and individuals saying "enough."

Our Nation is better than this. We can do better than this. In our public airwaves and in the public square we can be decent. We do not have to glorify what is indecent. We do not have to be profane. We can entertain and enlighten without going to the worst among us or to the lowest common denominator.

Today, we are passing legislation that reaffirms long-established constitutional standards of decency, and we are saying to the networks, and we are saying to the radio stations, you need to do better. There will be three strikes, three opportunities, and if you violate the decency standards three times, then you are in danger of losing your rights and privileges as a licensee. We are increasing the fines to say that there will be a cost, a significant cost of ignoring the common standards of decency.

We hope that through this effort, we will see more corporate responsibility, as well as the common good and public responsibility to bring our standards back up; to affirm it, to establish standards over responsibility, and then have enforcement mechanisms of accountability.

□ 1200

Mr. Chairman, this is good legislation and in the best spirit of the Nation. We are decent people and a good Nation; and we want to maintain, preserve and protect that, for the country and our culture, for our communities and our families.

Mr. Chairman, I commend the gentleman from Michigan for the bipartisan spirit in which this is done, and look forward to having this legislation passed and signed into law.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHAY).

Mr. HINCHAY. Mr. Chairman, I very much appreciate the sentiments behind this bill. There is no question that indecency in the media is a disease that is infecting all of our society. The problem with this legislation, however, is that it deals only with the symptoms of the problem and not with the underlying cause.

The underlying cause of indecency in the media and other problems that we are witnessing as Americans in our electronic media particularly across the country is the incredible consolidation of the ownership of the airwaves into fewer and fewer hands.

On June 2, the chairman of the Federal Communications Commission, Mr. Powell, led an effort that was endorsed by his two Republican colleagues and opposed by the two Democrats which moved that consolidation effort even further so that now we are facing a situation whereby in any service area across the country, one corporation can own almost all of the radio stations, almost all of the television stations, the one daily newspaper and the cable television station, giving that corporate entity the power to control not only the entertainment but the critically important information that goes to the people who are served in that area.

Mr. Powell's action is not a new phenomenon. This is something that we have been witnessing in this country since the mid-1980s. In fact, it was the Reagan FCC back in 1987 which began this consolidation effort in earnest. They also did something else; they took from the American people the right of ownership of the airwaves. Up to that point, we had something called the equal access clause or the fairness doctrine, which allowed American citizens if they disagreed with a political viewpoint expressed by the owner of a radio or television station to have that right expressed. But that right was taken away in 1987 by the Reagan FCC, and that deprivation has been endorsed by this FCC. That is what needs to change. If we want indecency in the media, we have to attack what is really indecent, and what is indecent is this consolidation that is increasing and destroying the independence of the airwaves.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004, and I commend the gentleman from Michigan (Mr. UPTON) for his leadership on this issue.

Like many Americans, I was appalled to see the lack of enforcement of our Nation's Federal obscenity laws after the incident at the Golden Globe Awards program last January. Since that incident, the media has been engaged in an escalating race to the bottom to shock viewers. Most recently, this race took the form of the brazen display during the Super Bowl halftime show, an event watched by millions of men, women, and children. That shameless exhibition was disgraceful and had no place on the public airwaves.

Thankfully, the FCC has started to take its enforcement responsibilities

seriously. However, it has become frighteningly clear that the penalties currently on the books are not sufficient to deter this behavior. Those in the media who choose to air these obscene materials will not feel the sting of enforcement until the punishment is considered to be more than a simple cost of doing business.

H.R. 3717 strengthens the penalties at the FCC's disposal to punish those that pollute the public airwaves with obscene and indecent materials. By increasing the fines that the FCC can impose from \$27,500 to \$500,000, this legislation hits the violators where it hurts the most, their pockets.

In addition, under current law, if an individual willfully violates indecency standards, the FCC must first warn the violator. However, this bill eliminates the warning requirement and increases the maximum penalty for individuals from \$11,000 to \$500,000 for the first offense.

Furthermore, the bill requires the FCC to act in a timely manner. It requires the FCC to make a determination of whether an alleged offense constitutes obscene, indecent, or profane material within 180 days from date of the complaint.

It is time to take a stand against the constant bombardment of obscene and profane materials into our living rooms. I urge my colleagues to support this important legislation.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE), a cosponsor of the legislation.

Mr. PENCE. Mr. Chairman, I rise in strong support of the Broadcast Decency Enforcement Act of 2004.

Mr. Chairman, I am a Congressman today, but for 7 years I was a radio and television broadcaster in the State of Indiana. Let us be clear on this point, a point that was clear to me as a public broadcaster: the public airwaves are owned and governed by the American people. Everyone who operates in front of a microphone or a camera on the public airwaves knows that they have to do so under the obligations in the family hours of public broadcasting that have been set and upheld by the courts over the decades.

This is not a burden. Eighteen hours a week for over 6 years I hosted a talk radio program, and I lived within the standards that have been established and upheld by the courts. Thanks to the leadership of the gentleman from Michigan (Mr. UPTON) and the ranking member, now we have legislation that will put real teeth behind these standards, and I strongly support it. The opponents say this is an issue of free speech. This is not about free speech. This is about decent speech living within the constitutional standards that every broadcaster should hold on the public airwaves. I urge strong support for the Broadcast Decency Enforcement Act of 2004.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Cali-

fornia (Mr. COX), an original cosponsor of the legislation.

Mr. COX. Mr. Chairman, I thank the gentleman from Michigan for his leadership and his crafting this bill which underscores the principle that those who have been given multi-billion dollar assets in the form of public airwaves for free, courtesy of the taxpayers, owe in return at least some consideration of the taxpaying audience and the public interest they purport to serve.

I like free enterprise and the opportunity for every business to turn a profit. I support unlimited artistic creativity. None of these provide a reason for multi-billion dollar spectrum subsidies for profit-making entertainment, particularly when it is indecent, obscene and profane. While others in telecommunications pay for their slice of the airwaves, the broadcasting industry has been given multi-billion dollar slices of the public airwaves for free.

In the 1990s, every other industry that uses the airwaves, such as wireless phone companies, paid for their pieces of the airwaves through public auctions that generated billions in revenue for taxpayers. The broadcasting industry has paid nothing to the taxpayers for their continued free use of this valuable public asset.

On top of that, every TV station owner was recently given more free bandwidth to convert to digital TV, and that additional loan spectrum has an estimated value of \$100 billion. That is a payment from every man, woman, and child in America of \$350.

As we complete action on this bill, our attention turns naturally to the underlying question of whether taxpayers should continue the multi-billion dollar subsidies of this obviously for-profit industry. It is my hunch that if we were to auction the broadcast spectrum without the free ride that such programming now gets, the market and consumers would not demand 184 channels of Howard Stern.

Making for-profit TV pay for its spectrum and compete with other high-tech demands would be a far better way of dealing with the problem of indecent programming than government regulation of speech. I think this bill is welcome news.

Mr. MARKEY. Mr. Chairman, I yield 3½ minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, never would I have thought that defending the Constitution would be so lonely a job on the floor of the United States House of Representatives. Do not get me wrong, I believe in decency and Mary Poppins and all things nice; but what is at stake here is freedom of speech and the assault thereon.

I become more and more concerned about the concentration of the media in the hands of so few players, that kind of media power concentrated in the hands of so few and influenced specifically by the far right wing and religious right in this country.

We talk about the President and the Presidency, and we say that the President has a bully pulpit, and he does. That does not concern me. What concerns me is the bullying and the bullying that is going on. When networks and stations and people-owned medias are afraid to be critical of the administration, to impose a fine on speech that you do not like of a half a million dollars a shot, multiplied by 30 or 300 stations, does not have a chilling effect. It has a freezing-out effect where people will be afraid to speak out.

It is not for us to put limits on free speech. The public decides what they want to listen to and wants to hear. They can change the channel, they can change the station, they can turn it off. To talk about motherhood and breast feeding as something that is good is fine, but people are offended by a breast? Is that obscene? Maybe it was in poor taste at the time, but is it obscene?

That Howard Stern on the radio would be threatened with extinction from broadcast because he did not hang up in time on somebody that called in, that was not the issue. The issue is that he is beginning to speak out against the President and the administration, and he is paying the price because of the pressure on the media by the President and his media cronies.

This concentration of the media denies the public access to the right to speak out. It is not just speech that we agree with and we think is pretty that we have to tolerate. The test of freedom of speech is if we tolerate ugly speech, obnoxious speech, and speech that we disagree with. And saying that we are protecting the country and the children, what about personal responsibility? Everybody should protect their own children from what they do not want to listen to or see.

These become weapons of mass communication, and no one will own them except those who have the hands on the levers of power in the White House and their friends.

That is what we find obscene? What is obscene is public officials lying to the public, lying about public policy, lying about education. It is about not providing enough money for AIDS or cancer; that is what is obscene in this country. We need people to defend our Constitution. We need people to defend freedom of speech, and that is really what is at stake here. This is going to become a very dark day in American history. We are going down the slippery slope of limiting our Constitution and the protections that it gives to the American people.

Mr. Chairman, I for one will be voting against this bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. GILLMOR), again, an original cosponsor of the legislation.

□ 1215

Mr. GILLMOR. Mr. Chairman, I am happy to see that today, after a

firestorm of public criticism, we have an increasing appetite, both in Congress and the FCC, for punishing those who repeatedly flout the rules, and we have before us a strong measure, one that will boost maximum fine to \$500,000, make it easier for the FCC to fine performers rather than just their employers and threaten to strip licenses of repeat offenders.

I should also point out that before and after the Super Bowl incidents, my office received over 500 e-mails from my district concerning indecent broadcasts. I would like to share the message of just one of those constituents.

"I am very glad to see you are taking action to protect our kids from indecent, profane, vulgar and tasteless programming. Just when I thought that TV couldn't get any worse, I witnessed the appalling display at the half-time show of the Super Bowl. My 11-year old son and 15-year-old daughter were speechless. Please know that I am behind you 100 percent. I hope that this bill will strengthen the power of the FCC and allow them to penalize those sponsors."

I think the American people have had enough of "costume reveals" and "wardrobe malfunctions," and I urge passage of the bill.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding me time.

The big question on this bill is why now? There are enough laws in place and regulations to deal with this issue. I feel that some of the good, well-intentioned Members have been caught up in this desire to all of a sudden clear up the airwaves. I believe it is a distraction. It is a weapon of mass distraction, to keep us away from the real issues at hand.

The fact is that this is part, in my opinion, of the continuing thinking of the PATRIOT Act, the philosophy of the PATRIOT Act, that says we will read your e-mails, we will find out what you take out from the library, we will hold you in detention without charges or a lawyer, and we will then tell you what you can listen to on the radio.

Now, let us understand something: The target here is coming from the political and religious right, and it is directed only at that which they think is bad anti-American or indecent. Right-wing radio, which demonizes liberals, minorities, environmentalists, pro-choice and animal rights activists, they are fine. They will not be touched. And let me, for the record, say that I support their right to say whatever they want about me and other liberals and Democrats and minorities. They can say whatever they want. But what we are doing in this country is curtailing only people who are saying something else.

The main target these days is Howard Stern. Now, what does Howard Stern have to do with this issue and the political agenda? Well, for years he supported the administration on the war, he supported the administration on capital punishment, he supported the administration on just about everything.

In the last couple of months, he has had a change of heart and started opposing the war, started opposing the opposition to research, opposing the opposition to pro-choice, and, all of a sudden, he is in deeper trouble than he has ever been before.

How else can we explain that the day before his bosses, Clear Channel, were to face a Congressional committee, they fired him from six markets throughout this country? The FCC has been complaining about his locker humor jokes for years. Some people have suggested that he was not in good taste for years. But now, the big bang to get him off the air. He is left now on Infinity Radio, and he says he will be gone in about another 2 weeks.

Why? Was he okay when he was supporting the administration and in trouble, and how did Clear Channel decide to knock out its number one money maker one day before facing Congress? I wish I was the telephone company and could have heard those phone calls coming in with the political pressure.

My friends, this is a dangerous time. This bill should be defeated, if, for no other reason, than to send a message that there is something larger here at work than simply something you do not like. What I do not like may be something you like and vice versa. The best protection we have is not this bill. Just turn the channel, switch the station.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I spoke last night with our former chairman, the gentleman from Louisiana (Mr. TAUZIN). He wishes that he was going to be here today, but he is preparing himself for cancer surgery next week. But I know that he would very much like to cast votes on every one of the recorded votes that we have the balance of the afternoon.

I want to remind my colleagues that we do not change the standards. That is not what this bill does. It strictly enforces the standards that are already on the books.

I told this story in my first hearing back in January before the Super Bowl. My staff prepared this broadcast indecency briefing materials book for me. Inside this book are the transcripts of broadcasters that have been fined for broadcasting indecent material. The material that is in this book was all on radio, it was not on TV. But what alarmed me more than anything else was the series of repeat offenders, whether they be in Detroit, Chicago, Washington or Los Angeles, and all broadcast on the public airwaves.

When I read through this book, I was embarrassed. I was embarrassed for the fellow that was sitting next to me on the airplane, because I had to read it like this. I had to shield the material in this book, the transcripts, that were fined thousands of dollars.

I made a mistake that day, Mr. Chairman. I read through the book, it was a long flight, we had terrible weather. In fact, frankly that day when we landed back at DCA, I thought we had gone back to Detroit, there was such bad weather here.

I looked through a lot of material, and I left it by mistake in the pocket in the seat that was in front of me. I walked off the plane, went back through the security, and got all the way to my car when I realized this book was still on the plane. Now, with the new security arrangements, I could not go back to the plane to get this book.

It has got my name on it, "Chairman UPTON, broadcast indecency briefing materials." Man, was I embarrassed, to go back into the Northwest Airline ticket line and ask someone to go retrieve that book. And, yes, they had found it. They saw my name, and they were very chagrined to get it back to me. But, thank goodness, I did get it back, and I do not think anybody read some of the material. But it is public record, and this stuff, this XXX smut stuff, should never be broadcast on the public airwaves.

I was asked the question by the press when we introduced our bill several weeks ago, "Do you think, Mr. UPTON, that your legislation is going to take this stuff down, that it will increase somehow the FCC's enforcement division?"

I thought about it, and I said, "You know, I hope not. I hope that this legislation will send a message to the broadcasters and to the talent that is making these indecent remarks," and more than just a word, if you come over here and read these transcripts, it is more than a word, it is page, after page, after page, "that we can get this stuff stopped with this legislation."

I welcome the opportunity to work with my friend, the gentleman from Massachusetts (Mr. MARKEY). Together, we fashioned a very bipartisan bill every step of the way, from the calling of the witnesses to the questioning to the amendments, every step of the way, and I am pleased that the other body is working on that same procedure, where, again, they voted 34 to 0 earlier this week to pass similar legislation.

Our bill that passed 49 to 1 is a credit to this institution and to the Members on both sides who care about the public airwaves, to make sure that this stuff is not broadcast, and we send a message, whether it be to the shock jock or the DJ or the person with the finger on the pause button at one of those awards, whether it be the Academy Awards, Golden Globes or whatever else, we are going to make an impact,

and we are going to let our families know that this stuff has got to stop.

This bill does it. It is not an infringement of first amendment rights. It has all been certified, made legitimate from the courts of the land, from the highest court of the land down to the lowest court, and needs a positive vote here this afternoon.

Mrs. CUBIN. Mr. Chairman, it's about time.

That's what my constituents are telling me. They correctly note the gradual degradation of the quality and decency of programming on TV and radio—and I agree, it's about time Congress acted.

As an original cosponsor of H.R. 3717, I think it's important to note that we introduced this bill prior to the Super Bowl. Some people are blaming Janet Jackson and Justin Timberlake for Congressional action on indecency, but really the Super Bowl halftime show was simply the proverbial straw that broke the camel's back.

It's sort of like cooking a frog in a pot of boiling water. Put him in when it's lukewarm, and slowly turn up the temperature, he'll be cooked by dinner. Throw him into a boiling pot, however, and he'll jump right out. I'm afraid we've let this sneak up on us to the point where we're almost cooked.

I'm not here sharing recipes from Congressman TAUZIN's Cajun cookbook, I'm talking about how we have sat idly by as programming over the public's airwaves has gone to the dogs. The nudity of the Super Bowl halftime show has justly raised the ire of American families, and we are right to demand that people act in a civil manner when they are afforded access to the public's airwaves. Mr. Chairman, it is about time Congress acted and I'm proud to be part of that effort. I urge passage of H.R. 3717.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in qualified support of H.R. 3717, the Broadcast Indecency Act of 2004. As an original co-sponsor of this legislation, I agree that we must provide the Federal Communications Commission (FCC) with the resources it needs to effectively enforce existing laws regarding indecent broadcasts. However, I am concerned that giving the FCC the authority to levy exorbitant fines against individuals will have a chilling effect on the exercise of free speech protected under the First Amendment.

Clearly, the FCC should be able to hold individuals responsible for breaching the public trust by violating decency standards in the same way it holds broadcasting entities accountable for what they put on the airwaves. Nonetheless, opening the door to potentially ruinous fines of up to a half a million dollars for individuals, including artists, raises the specter of state sponsored censorship. Will the federal government decide to silence certain individuals in the future for political reasons? Under this bill, it has the authority to do just that.

As this legislation is considered by the Senate, I would hope that this concern is duly addressed and resolved in Conference with the House. Thank you, Mr. Chairman, the opportunity to address my colleagues on this overlooked but critical aspect of what is overall a good and necessary piece of legislation.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of H.R. 3717, the Broadcast Decency Enforcement Act.

Over the past few months, I have received nearly 2,000 e-mails, phone calls and letters

from my constituents expressing their displeasure with content of TV programs. My constituents are telling me enough is enough. When broadcasters violate indecency rules and a complaint is filed, my constituents want it to be taken seriously by the FCC. They want meaningful penalties that will make broadcasters think twice before airing objectionable programs. They want broadcasters to be held accountable.

Above all, they want to be able to watch an entertainment program with their family without having them exposed to content unsuitable for children. When supposedly family-friendly programming such as the Super Bowl becomes a program many families don't want their children to see, we have a problem. As a grandfather, I worry about being able to turn on the TV and watch a program or sports event with my 3 and 5 year old grandsons.

I think this legislation addresses many of my constituents' concerns. Raising the cap on fines to \$500,000 for broadcasts that violate the rules helps show that Congress and the FCC are serious about punishing offenses. The current cap is only \$27,000 per violation, a drop in the bucket for most broadcasters. When broadcasters know that indecency violations will be taken into consideration when they ask the FCC to renew their broadcast licenses, they are going to take additional precautions to prevent instances of indecency. If a broadcaster accumulates three violations, this will now trigger a hearing to review revoking that station's license.

This legislation sends a strong signal that Congress is serious about enforcement of broadcast indecency regulations. If all Members' constituents care about this issue as much as mine do, then this should be an easy bill for us to support.

I urge my colleagues to support this legislation.

Ms. WATSON. Mr. Chairman, I rise in strong support to the Schakowsky amendment to H.R. 3717, which would exempt individuals from increase in indecency fines. While I support the goals of H.R. 3717 in giving the Federal Communication Commission more authority to enforce indecency rules, I don't believe individual performers and artists should be threatened by the same penalties imposed on multi-billion dollar corporations, who have the ultimate control on programming decisions.

I believe the provisions within H.R. 3717 to fine individuals would constitute a dangerous chilling effect on artistic expression and a threat to our first amendment rights. It is also completely unnecessary, since broadcast licensees and networks are responsible for programming contents and the decision to air, not the individual artists. Why else would networks start implementing the so-called "five second delay" that would remove any objectionable content before it is broadcasted? The broadcasters understand that they are the ones responsible for the contents they air, because they are the ones who eventually profit from the controversies generated by offensive, indecent, and dumb-down programming.

I hope my colleagues will join me in supporting Congresswoman SHAKOWSKY's amendment that would prevent the broadcasters from scapegoating individual artists and hold them truly responsible in the enforcement of indecency rules.

Mr. BACA. Mr. Chairman, I rise in support of H.R. 3717, a bill that would increase the fines

the Federal Communications Commission can impose for the broadcast of obscene, indecent, or profane material.

The level of violent and sexual content in all of forms of media has reached a point where Congress has no choice but to act.

Many people first became aware of this problem while they were watching the Super Bowl, but this is not a new problem.

Whether it is television, movies, video games, or the Internet, you cannot get away from it, and it is getting worse.

As Democrats and Republicans we must continue to work together to address these issues. That is the only way we will be able prevent our children from being needlessly exposed to violent and sexual content in the media.

A growing body of evidence suggests that these messages can be harmful to children's development.

That is why I submitted an amendment that would call on the Surgeon General to produce an annual report assessing the impact of violent media content on children.

Although my amendment was not accepted I hope the Surgeon General will hear us today and understand that Congress takes these issues very seriously and that we demand to know more.

That is also why I created the bipartisan Congressional Sex and Violence in the Media Caucus last October with my friend and colleague, Congressman TOM OSBORNE.

We will be a strong voice within Congress to reduce violent and sexual content in the media.

We will identify ways to work effectively in Congress and in our districts to prevent violence by and against children through legislation, education, outreach, and advocacy.

Just this Tuesday, we introduced H.R. 3914, the Children's Protection from Violent Programming Act, along with Congressman DAVID PRICE.

Our bill would require the FCC to assess the effectiveness of the V-chip to determine if it effectively protects children from television violence.

If the study shows that the V-chip is not effective, then it requires the FCC to create a "safe harbor" so that violent programming is not televised when children are likely to be watching.

I am proud to have received the endorsement of the Parents Television Council and the Consumers Union.

Last year I re-introduced the Protect Children from Video Game Sex and Violence Act, H.R. 669, which would impose penalties on those who rent or sell video games with violent or sexual content to minors.

It is wrong that our children are being exposed to this kind of violence at an age when their minds and values are still being formed. They play these games when many of them cannot distinguish fantasy from reality. Yet today's most popular games are full of senseless acts of sex and violence that brainwash our kids.

These games show people having sex with prostitutes, car-jacking soccer moms, using illegal drugs, decapitating police officers, and killing innocent people as they beg for mercy. If that isn't enough, games like BMX Triple X even show live video footage of naked strippers. Is that what we really want our kids to be watching?

Let me be clear. It is the responsibility of parents to raise their children and determine what they watch on television or what kinds of games they buy. But when children see these things when they are watching the Super Bowl or when they can walk into their neighborhood store and buy video games with mature content, a parent is cut out of the process.

Some will tell you that early exposure to violence has no harmful effects, but a growing body of academic research tells a different story.

Several of the Nation's most respected public health groups have found that viewing entertainment violence can lead to increases in aggressive attitudes, values, and behaviors, particularly in children.

But we have to go beyond facts and figures. What does this mean for our kids?

We are at the beginning of a long and difficult battle for the hearts, the minds, and the souls of our children.

I hope that other Members of Congress and the public will continue to work to protect our children from these harmful materials.

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in strong support of H.R. 3717, the Broadcast Decency Enforcement Act and commend Representative UPTON for this initiative to "clean up" our Nation's airwaves.

In response to a number of recently televised events, I have received a deluge of complaints and comments from my constituents in New Jersey who are fed up with the offensive and indecent programming invading their homes through television and radio. With their thoughts in mind I cosponsored this legislation to let it be known: broadcasters offering irresponsible and indecent material—especially at times when our children are likely watching or listening—should be held accountable for their actions.

H.R. 3717 would increase the penalty the FCC can assess for violations of broadcast indecency, obscenity and profanity laws from \$27,500 to \$500,000 per violation. The current fine has become a mere cost of business for many of the large broadcast companies. Today, Congress, on behalf of America's families, is sending a message to the industry that this kind of disregard is not going to be tolerated and hit them where it hurts—in their pockets.

It is time we act to ensure that every family may watch broadcast television programming free of indecency, obscenity and profanity. I believe this legislation takes the right approach. That is why I urge my colleagues to join me in supporting this important initiative and vote yes for H.R. 3717.

Mr. CANTOR. Mr. Chairman, I rise in strong support of the Broadcast Decency Enforcement Act, H.R. 3717. The use of obscenity, which has recently been so casually used on our public airwaves for the entire country to witness, should not and cannot be tolerated.

As a parent, I share the concerns of many regarding the level of offensive television and radio programs that are transmitted into our homes. The recent violations that have occurred disgusted not only me, but damage our society. Families should be able to turn on the television or radio without worrying that obscene programming will negatively impact our children.

This important legislation calls for tougher fines and enforcement penalties for obscene broadcasts. Shameless acts are inexcusable

and should be disciplined to ensure that they will not continue and will not be tolerated.

I have received over one thousand letters, emails and phone calls from outraged constituents regarding obscene TV and radio broadcasts in recent months. We cannot accept anything less than an effective solution to this problem; we will not be satisfied until those who are responsible have been reprimanded, and we can be assured this kind of behavior will not continue.

We must give parents the peace of mind that the programming available to their children on television and radio today is appropriate.

I urge all members to support this legislation.

Mr. ROGERS of Alabama. Mr. Chairman, public decency on the airwaves should be a subject on which we all agree. Alabama citizens, like the vast majority of Americans, respect and value the meaning of decency, and appreciate public institutions that reflect the common values of our society.

But what happens when one or more of those institutions repeatedly violate those standards of decency? In the past year, we have seen one or more of the major broadcast networks repeatedly and blatantly violate the Federal Communications Commission standards for decency, and openly flaunt the laws so clearly upheld in the courts.

CBS's halftime show during the 2004 Super Bowl was a new low for television, Mr. Speaker. Watched by nearly 100 million Americans, as well as my family and children, this 30-minute fantasy of filth managed to break all standards of decency, and brazenly shattered all concepts of responsibility and accountability for our Nation's public broadcasters.

Mr. Chairman, this must stop. It's time we hold the broadcasters accountable for their decisions and help take out the televised trash that continues to invade our homes. H.R. 3717, the Broadcast Decency Enforcement Act of 2004, will help turn the tide. The legislation brings accountability for those broadcasters who follow the rules, as well as penalties for those, like CBS during the Super Bowl, knowingly choose to violate them.

H.R. 3717 increases the FCC's penalties for broadcasting obscene, indecent, and profane language to \$275,000 for each violation or each day of a continuing violation. The bill also limits the total amount assessed for any continuing violation to \$3 million for any single act or failure to act.

As a co-sponsor of this bi-partisan legislation, I am pleased Congress has chosen to bring this to the House floor today. Let me be clear Mr. Chairman: I am not an advocate of censorship. Although I may find the type of programming seen during the 2004 Super Bowl and the 2003 Golden Globe Awards disgusting and disturbing, we must always work hard to defend the cherished freedoms so clearly outlined in our Constitution, including a healthy and free press.

But when those institutions that are charged with upholding the public trust refuse to live up to their responsibilities, someone must draw the line. The Broadcast Decency Enforcement Act of 2004 helps address the continuing degradation on the broadcast airwaves and helps send a clear message to the broadcast industry that Alabama families, like the rest of American families, have had enough.

Programs like the Super Bowl should be celebrations, not cesspools, Mr. Speaker. It is

time we as a Congress rise to this occasion and pass this bill, and help stop the recklessness that has so unnecessarily invaded our homes.

Thank you and congratulations to you, Mr. UPTON, for your work in bringing this important piece of legislation to the House today.

Mr. OXLEY. Mr. Chairman, like most Americans, I am deeply disturbed by the decline of basic decency on our public airwaves. A new low was probably reached during the half-time show of the recent Super Bowl. It's incredible that parents should have to monitor the content of a football game to protect their children. The groundswell for change has been gathering for some time now. In the last few months alone, I have received more than one thousand constituent letters expressing concern about profanity and indecency on the airwaves. The message has been received, loud and clear.

I am proud to be an original cosponsor of the Broadcast Decency Enforcement Act. The bill holds violating stations accountable for trashing our precious public airwaves and hits purveyors where it matters the most, in the wallet. Currently, an FCC indecency violation carries a maximum \$27,500 fine, which hardly threatens a multi-million dollar station. This bill increases the fine to a more fitting \$500,000. Repeat violators will find themselves on a very long and expensive trip. The FCC will also be given authority to hold hearings on stripping the licenses of repeat offenders.

It's important that we act because even a small blow struck for decency makes a difference. The Supreme Court recently heard arguments on the Child Online Protection Act, which I helped to write. This is a law we approved to prevent kids from being exposed to Internet pornography. I have also been working with my Democrat colleague CHARLES GONZALEZ on the Video Voyeurism Prevention Act. It's long past time that attitudes about decency started changing in this country.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadcast Decency Enforcement Act of 2004".

SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) Notwithstanding subparagraph (A), if the violator is (i) a broadcast station licensee or permittee, or (ii) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission, and

the violator is determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane material, the amount of any forfeiture penalty determined under this section shall not exceed \$500,000 for each violation."; and

(3) in subparagraph (D), as redesignated by paragraph (1) of this subsection—

(A) by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (C)"; and

(B) by adding at the end the following: "Notwithstanding the preceding sentence, if the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material (and the case is not covered by subparagraph (A), (B), or (C)), the amount of any forfeiture penalty determined under this section shall not exceed \$500,000 for each violation.".

SEC. 3. ADDITIONAL FACTORS IN INDECENCY PENALTIES; EXCEPTION.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is further amended by adding at the end (after subparagraph (E) as redesignated by section 2(1) of this Act) the following new subparagraphs:

"(F) In the case of a violation in which the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material, the Commission shall take into account, in addition to the matters described in subparagraph (E), the following factors:

"(i) With respect to the degree of culpability of the violator, the following:

"(I) whether the material uttered by the violator was live or recorded, scripted or unscripted;

"(II) whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming may contain obscene, indecent, or profane material;

"(III) if the violator originated live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming;

"(IV) the size of the viewing or listening audience of the programming; and

"(V) whether the programming was part of a children's television program as described in the Commission's children's television programming policy (47 CFR 73.4050(c)).

"(ii) With respect to the violator's ability to pay, the following:

"(I) whether the violator is a company or individual; and

"(II) if the violator is a company, the size of the company and the size of the market served.

"(G) A broadcast station licensee or permittee that receives programming from a network organization, but that is not owned or controlled, or under common ownership or control with, such network organization, shall not be subject to a forfeiture penalty under this subsection for broadcasting obscene, indecent, or profane material, if—

"(i) such material was within live or recorded programming provided by the network organization to the licensee or permittee; and

"(ii)(I) the programming was recorded or scripted, and the licensee or permittee was not given a reasonable opportunity to review the programming in advance; or

"(II) the programming was live or unscripted, and the licensee or permittee had no reasonable basis to believe the programming would contain obscene, indecent, or profane material.

The Commission shall by rule define the term 'network organization' for purposes of this subparagraph."

SEC. 4. INDECENCY PENALTIES FOR NON-LICENSEES.

Section 503(b)(5) of the Communications Act of 1934 (47 U.S.C. 503(b)(5)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by inserting "(A)" after "(5)";

(3) by redesignating the second sentence as subparagraph (B);

(4) in such subparagraph (B) as redesignated—

(A) by striking "The provisions of this paragraph shall not apply, however," and inserting "The provisions of subparagraph (A) shall not apply (i)";

(B) by striking "operator, if the person" and inserting "operator; (ii) if the person";

(C) by striking "or in the case of" and inserting "(iii) in the case of"; and

(D) by inserting after "that tower" the following: "; or (iv) in the case of a determination that a person uttered obscene, indecent, or profane material that was broadcast by a broadcast station licensee or permittee, if the person is determined to have willfully or intentionally made the utterance"; and

(5) by redesignating the last sentence as subparagraph (C).

SEC. 5. DEADLINES FOR ACTION ON COMPLAINTS.

Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended by adding at the end thereof the following new paragraph:

"(7) In the case of an allegation concerning the utterance of obscene, indecent, or profane material that is broadcast by a station licensee or permittee—

"(A) within 180 days after the date of the receipt of such allegation, the Commission shall—

"(i) issue the required notice under paragraph (3) to such licensee or permittee or the person making such utterance;

"(ii) issue a notice of apparent liability to such licensee or permittee or person in accordance with paragraph (4); or

"(iii) notify such licensee, permittee, or person in writing, and any person submitting such allegation in writing or by general publication, that the Commission has determined not to issue either such notice; and

"(B) if the Commission issues such notice and such licensee, permittee, or person has not paid a penalty or entered into a settlement with the Commission, within 270 days after the date of the receipt of such allegation, the Commission shall—

"(i) issue an order imposing a forfeiture penalty; or

"(ii) notify such licensee, permittee, or person in writing, and any person submitting such allegation in writing or by general publication, that the Commission has determined not to issue either such order."

SEC. 6. ADDITIONAL REMEDIES FOR INDECENT BROADCAST.

Section 503 of the Communications Act of 1934 (47 U.S.C. 503) is further amended by adding at the end the following new subsection:

"(c) ADDITIONAL REMEDIES FOR INDECENT BROADCASTING.—In any proceeding under this section in which the Commission determines that any broadcast station licensee or permittee has broadcast obscene, indecent, or profane material, the Commission may, in addition to imposing a penalty under this section, require the licensee or permittee to broadcast public service announcements that serve the educational and informational needs of children. Such announcements may be required to reach an audience that is up to 5 times the size of the audience that is estimated to have been reached by the obscene, indecent, or profane material, as determined in accordance with regulations prescribed by the Commission."

SEC. 7. LICENSE DISQUALIFICATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 503 of the Communications Act of 1934 (47 U.S.C. 503) is further amended by adding at the end (after subsection (c) as added by section 6) the following new subsection:

"(d) CONSIDERATION OF LICENSE DISQUALIFICATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—If the Commission issues a notice

under paragraph (3) or (4) of subsection (b) to a broadcast station licensee or permittee looking toward the imposition of a forfeiture penalty under this Act based on an allegation that the licensee or permittee broadcast obscene, indecent, or profane material, and either—

"(1) such forfeiture penalty has been paid, or

"(2) a forfeiture penalty has been determined by the Commission or an administrative law judge pursuant to paragraph (3) or (4) of subsection (b), and such penalty is not under review, and has not been reversed, by a court of competent jurisdiction,

then, notwithstanding section 504(c), the Commission shall, in any subsequent proceeding under section 308(b) or 310(d), take into consideration whether the broadcast of such material demonstrates a lack of character or other qualifications required to operate a station."

SEC. 8. LICENSE RENEWAL CONSIDERATION OF VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 309(k) of the Communications Act of 1934 (47 U.S.C. 309(k)) is amended by adding at the end the following new paragraph:

"(5) LICENSE RENEWAL CONSIDERATION OF VIOLATIONS OF INDECENCY PROHIBITIONS.—If the Commission has issued a notice under paragraph (3) or (4) of section 503(b) to a broadcast station licensee or permittee with respect to a broadcast station looking toward the imposition of a forfeiture penalty under this Act based on an allegation that such broadcast station broadcast obscene, indecent, or profane material, and—

"(A) such forfeiture penalty has been paid, or

"(B) a forfeiture penalty has been determined by the Commission or an administrative law judge pursuant to paragraph (3) or (4) of section 503(b), and such penalty is not under review, and has not been reversed, by a court of competent jurisdiction,

then, notwithstanding section 504(c), such violation shall be treated as a serious violation for purposes of paragraph (1)(B) of this subsection with respect to the renewal of the license or permit for such station."

SEC. 9. LICENSE REVOCATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 312 of the Communications Act of 1934 (47 U.S.C. 312) is amended by adding at the end the following new subsection:

"(h) LICENSE REVOCATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—

"(1) CONSEQUENCES OF MULTIPLE VIOLATIONS.—If, in each of 3 or more proceedings during the term of any broadcast license, the Commission issues a notice under paragraph (3) or (4) of section 503(b) to a broadcast station licensee or permittee with respect to a broadcast station looking toward the imposition of a forfeiture penalty under this Act based on an allegation that such broadcast station broadcast obscene, indecent, or profane material, and in each such proceeding either—

"(A) such forfeiture penalty has been paid, or

"(B) a forfeiture penalty has been determined by the Commission or an administrative law judge pursuant to paragraph (3) or (4) of section 503(b), and such penalty is not under review, and has not been reversed, by a court of competent jurisdiction,

then, notwithstanding section 504(c), the Commission shall commence a proceeding under subsection (a) of this section to consider whether the Commission should revoke the station license or construction permit of that licensee or permittee for such station.

"(2) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall be construed to limit the authority of the Commission to commence a proceeding under subsection (a)."

Each annual report submitted by the Federal Communications Commission after the date of enactment of this Act shall, in accordance with

SEC. 10. REQUIRED CONTENTS OF ANNUAL REPORTS OF THE COMMISSION.

section 4(k)(2) of the Communications Act of 1934 (47 U.S.C. 154(k)(2)), include the following:

(1) The number of complaints received by the Commission during the year covered by the report alleging that a broadcast contained obscene, indecent, or profane material, and the number of programs to which such complaints relate.

(2) The number of those complaints that have been dismissed or denied by the Commission.

(3) The number of complaints that have remained pending at the end of the year covered by the annual report.

(4) The number of notices issued by the Commission under paragraph (3) or (4) of section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) during the year covered by the report to enforce the statutes, rules, and policies prohibiting the broadcasting of obscene, indecent, or profane material.

(5) For each such notice, a statement of—

(A) the amount of the proposed forfeiture;

(B) the program, station, and corporate parent to which the notice was issued;

(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

(D) the status of the proceeding.

(6) The number of forfeiture orders issued pursuant to section 503(b) of such Act during the year covered by the report to enforce the statutes, rules, and policies prohibiting the broadcasting of obscene, indecent, or profane material.

(7) For each such forfeiture order, a statement of—

(A) the amount assessed by the final forfeiture order;

(B) the program, station, and corporate parent to which it was issued;

(C) whether the licensee has paid the forfeiture order;

(D) the amount paid by the licensee; and

(E) in instances where the licensee refused to pay, whether the Department of Justice brought an action in Federal court to collect the penalty.

SEC. 11. SENSE OF THE CONGRESS.

(a) **REINSTATEMENT OF POLICY.**—It is the sense of the Congress that the broadcast television station licensees should reinstitute a family viewing policy for broadcasters.

(b) **DEFINITION.**—For purposes of this section, a family viewing policy is a policy similar to the policy that existed in the United States from 1975 to 1983, as part of the National Association of Broadcasters' code of conduct for television, and that included the concept of a family viewing hour.

SEC. 12. IMPLEMENTATION.

(a) **REGULATIONS.**—The Commission shall prescribe regulations to implement the amendments made by this Act within 180 days after the date of enactment of this Act.

(b) **PROSPECTIVE APPLICATION.**—This Act and the amendments made by this Act shall not apply with respect to material broadcast before the date of enactment of this Act.

(c) **SEPARABILITY.**—Section 708 of the Communications Act of 1934 (47 U.S.C. 608) shall apply to this Act and the amendments made by this Act.

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 108-436. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider Amendment No. 1 printed in House Report 108-436.

AMENDMENT NO. 1 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. UPTON:

In subsection (d) of section 503 of the Communications Act of 1934, as added by section 7 of the bill, strike paragraph (2) and insert the following:

“(2) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

In the matter that follows paragraph (2) of section 503(d) of the Communications Act of 1934, as added by section 7 of the bill, strike “,” notwithstanding section 504(c),”.

In paragraph (5) of section 309(k) of the Communications Act of 1934, as added by section 8 of the bill, strike subparagraph (B) and insert the following:

“(B) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

In the matter that follows subparagraph (B) of section 309(k)(5) of the Communications Act of 1934, as added by section 8 of the bill, strike “,” notwithstanding section 504(c),”.

In paragraph (1) of section 312(h) of the Communications Act of 1934, as added by section 9 of the bill, strike subparagraph (B) and insert the following:

“(B) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

In the matter that follows subparagraph (B) of section 312(h)(1) of the Communications Act of 1934, as added by section 9 of the bill, strike “,” notwithstanding section 504(c),”.

In section 10, insert “and” at the end of subparagraph (C) of paragraph (7), strike “; and” at the end of subparagraph (D) of such paragraph and insert a period, strike subparagraph (E) of such paragraph, and after such paragraph insert the following new paragraphs:

(8) In instances where the licensee has refused to pay, whether the Commission referred such order to the Department of Justice to collect the penalty.

(9) In cases where the Commission referred such order to the Department of Justice—

(A) the number of days from the date the Commission issued such order to the date the Commission referred such order to the Department;

(B) whether the Department has commenced an action to collect the penalty, and if such action was commenced, the number of days from the date the Commission referred such order to the Department to the date the action by the Department commenced; and

(C) whether the collection action resulted in a payment, and if such action resulted in a payment, the amount of such payment.

The CHAIRMAN pro tempore. Pursuant to House Resolution 554, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished whip of the House, an original cospon-

sor of our legislation, and once a proud member of our proud subcommittee.

Mr. BLUNT. Mr. Chairman, with any luck, a future member of the chairman's subcommittee.

Mr. Chairman, I appreciate the great work the gentleman from Michigan (Mr. UPTON) did on this bill, bringing this bill to the floor at this time. I also want to say how much I appreciate the gentleman from Texas (Chairman BARTON), the new chairman of our committee, moving quickly to get this legislation to the floor, and also to join my colleagues in our appreciation for and our concern about our former chairman, the gentleman from Louisiana (Mr. TAUZIN), as he and his family deal with a health crisis right now.

Mr. Chairman, I think this bill is a bill that we need to do. The gentleman's amendment is one that improves the bill and clarifies the process through which people would have to go if they are subject to the penalties of the bill.

I think the penalties here, the enhanced penalties we heard from many, many people, that the current penalties just are not a deterrent. Not only are the penalties now more in the range that they become a real thing for people who are given custody, temporary custody, of the airwaves to think about, but there is also the possibility they could actually lose their license if they become repeat offenders.

Anybody can have something happen on one occasion that they do not expect to happen, do not anticipate happening, do not approve, are embarrassed by, but the gentleman's bill makes the case that these airwaves do belong to the American people, that this is commercial airspace. If repeatedly somebody chooses to try to benefit financially by what they put on the air that goes beyond the bounds of decency, goes beyond their agreement when they are given custody and right to use these airwaves, I think this bill and the gentleman's clarifying amendment is an amendment that the House needs to deal with.

We all know that it was the Super Bowl half-time show that sort of brought this issue to everybody's attention in this current context, but we also know that if you watched the Super Bowl, if you were watching sort of halfway as I was the half-time show, that we see so much there drifting beyond where we need to be in family entertainment. There are plenty of opportunities in other kinds of entertainment that are not on the airwaves used by commercial television and radio for that.

I appreciate the gentleman's hard work in bringing this bill to the floor in such important and quick fashion, and I rise to support the bill and the gentleman's important amendment to it.

Mr. UPTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, obviously I rise in strong support of the Upton amendment. This amendment ensures that

those who are the subject of indecency complaints are provided with a constitutional right to due process. For instance, until a forfeiture penalty has been paid or a court has finally determined that a forfeiture penalty is justified, a complaint should not be held against the broadcast station license.

□ 1230

Just like someone who is presumed innocent until proven guilty, this amendment guarantees that a broadcast license cannot be revoked or license renewal rejected until all of the appeals have been heard. This is a good amendment, it was pointed out in our hearing at the very end, and I would hope has bipartisan support. It tightens the loophole.

I just want to say in closing in support of this amendment, I want to thank in particular, I think, the many Members who have been so engaged in this legislation, and I want to thank the staff as well. On our side of the aisle, we have had terrific staff that have worked with the very good staff, terrific staff on the other side as well; but I want to particularly cite a number of individuals: Will Nordwind, Howard Waltzman, Neil Fried, Kelly Zerzan, Joan Hillebrands, Sean Bonyur, Jim Barnette, Jaylyn Connaughton, and Andy Black for their hard work in making sure that this bill got to the floor quickly and swiftly, and that, in fact, it was in a very strong bipartisan fashion.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, if there is no one seeking recognition in opposition, I ask unanimous consent to control the time in opposition, even though I support the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

I would like to say that this is a good amendment. It has been crafted on a bipartisan basis. We have worked very closely together, Democrat and Republican, on this issue right from the beginning; and this amendment reflects that continuing level of cooperation. I just want any of the Members who are listening to this debate to understand that that consensus has been reached.

Mr. MARKEY. Mr. Chairman, I have no other Members seeking recognition, and I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 108-436.

AMENDMENT NO. 2 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SESSIONS: After section 10 of the bill insert the following section (and redesignate the succeeding sections accordingly):

SEC. 11. GAO STUDY OF INDECENT BROADCASTING COMPLAINTS.

(a) INQUIRY AND REPORT REQUIRED.—The General Accounting Office shall conduct a study examining—

(1) the number of complaints concerning the broadcasting of obscene, indecent, and profane material to the Federal Communications Commission;

(2) the number of such complaints that result in final agency actions by the Commission;

(3) the length of time taken by the Commission in responding to such complaints;

(4) what mechanisms the Commission has established to receive, investigate, and respond to such complaints; and

(5) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints.

(b) SUBMISSION OF REPORT.—The General Accounting Office shall submit a report on the results of such study within one year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

The CHAIRMAN pro tempore. Pursuant to House Resolution 554, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

My amendment is a simple contribution to this bill that I believe will bring some additional accountability and enforcement to the FCC's current process of handling broadcasting complaints and proposed violation of FCC rules.

My amendment to this legislation would give the General Accounting Office 1 year to study and report back to Congress on the number of complaints concerning the broadcasting of obscenity, indecency, and profane material to the Federal Communications Commission; the number of such complaints that result in final agency actions by the commission; the length of time taken by the commission in responding to such complaints; what mechanisms the commission has established to proceed, investigate, and respond to such complaints; and whether such complaints to the commission are adequately informed by the commission of their responses to those complainants.

I believe that this amendment will help this body to conform with third-party data and the relevant facts and figures that the FCC is doing its utmost to carry out the intent of the important legislation that we are considering today.

The Upton legislation will crack down on indecent over-the-air broadcasts and will bring much-needed ac-

countability to our public airwaves. Last year, there were over 240,000 complaints against 375 programs, but the FCC issued only three notices of proposed violations. I believe that Congress should get more information about what the FCC is doing to help us perform an important oversight function over the FCC's action and its accountability to the American public.

I would like to thank the gentleman from Michigan (Chairman UPTON), the gentleman from Texas (Chairman BARTON), and the gentleman from California (Chairman DREIER) for their important work and leadership in bringing this legislation to the floor today. I urge my colleagues to support this amendment to allow the GAO to gain more information from the FCC about how they are handling complaints that they receive on indecent material.

Mr. Chairman, I would simply ask that we include this amendment, and I ask for its immediate consideration.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim the time in opposition?

The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108-436.

There being no further amendment in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SESSIONS) having assumed the chair, Mr. ISAKSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language, pursuant to House Resolution 554, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. UPTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by two 5-minute votes on suspending the rules and adopting House Concurrent Resolution 15 and House Resolution 540, as amended.

The vote was taken by electronic device, and there were—ayes 391, noes 22, answered “present” 1, not voting 19, as follows:

[Roll No. 55]

AYES—391

Abercrombie	Cooper	Graves
Aderholt	Costello	Green (TX)
Akin	Cox	Green (WI)
Alexander	Cramer	Greenwood
Allen	Crane	Gutierrez
Andrews	Crenshaw	Gutknecht
Baca	Crowley	Hall
Bachus	Cubin	Harris
Baker	Culberson	Hart
Baldwin	Cummings	Hastings (FL)
Ballance	Cunningham	Hastings (WA)
Ballenger	Davis (AL)	Hayes
Barrett (SC)	Davis (CA)	Hayworth
Bartlett (MD)	Davis (FL)	Hefley
Barton (TX)	Davis (TN)	Hensarling
Bass	Davis, Jo Ann	Herger
Beauprez	Davis, Tom	Hill
Becerra	Deal (GA)	Hinche
Bereuter	DeGette	Hinojosa
Berry	Delahunt	Hobson
Biggert	DeLauro	Hoeffel
Bilirakis	DeLay	Hoekstra
Bishop (GA)	DeMint	Holden
Bishop (NY)	Deutsch	Holt
Bishop (UT)	Diaz-Balart, L.	Hooley (OR)
Blackburn	Diaz-Balart, M.	Hostettler
Blumenauer	Dicks	Houghton
Blunt	Dingell	Hoyer
Boehlert	Doggett	Hulshof
Boehner	Dooley (CA)	Hunter
Bonilla	Doyle	Hyde
Bonner	Dreier	Inslee
Bono	Duncan	Isakson
Boozman	Dunn	Israel
Boswell	Edwards	Issa
Boucher	Ehlers	Istook
Boyd	Emanuel	Jackson (IL)
Bradley (NH)	Emerson	Jefferson
Brady (PA)	Engel	Jenkins
Brady (TX)	English	Johnson (CT)
Brown (OH)	Eshoo	Johnson (IL)
Brown (SC)	Etheridge	Johnson, E. B.
Brown, Corrine	Evans	Johnson, Sam
Brown-Waite,	Everett	Jones (NC)
Ginny	Farr	Kanjorski
Burgess	Fattah	Kaptur
Burns	Feeney	Keller
Burr	Ferguson	Kelly
Burton (IN)	Filner	Kennedy (MN)
Buyer	Flake	Kennedy (RI)
Calvert	Foley	Kildee
Camp	Forbes	Kilpatrick
Cannon	Ford	Kind
Cantor	Frank (MA)	King (IA)
Capito	Franks (AZ)	Kingston
Capps	Frelinghuysen	Kirk
Capuano	Frost	Klecza
Cardin	Gallely	Kline
Carson (IN)	Garrett (NJ)	Knollenberg
Carson (OK)	Gephardt	Kolbe
Carter	Gerlach	LaHood
Case	Gilchrest	Lampson
Castle	Gillmor	Langevin
Chabot	Gingrey	Lantos
Chandler	Gonzalez	Larsen (WA)
Chocola	Goode	Larson (CT)
Clyburn	Goodlatte	Latham
Coble	Gordon	LaTourette
Cole	Goss	Leach
Collins	Granger	Levin

Lewis (KY)	Owens
Linder	Oxley
Lipinski	Pallone
LoBiondo	Pascarell
Lowey	Pastor
Lucas (KY)	Payne
Lucas (OK)	Pearce
Lynch	Pelosi
Majette	Pence
Manzullo	Peterson (MN)
Markey	Peterson (PA)
Marshall	Petri
Matheson	Pickering
Matsui	Pitts
McCarthy (MO)	Platts
McCarthy (NY)	Pombo
McCollum	Pomeroy
McCotter	Porter
McCrery	Portman
McDermott	Price (NC)
McGovern	Pryce (OH)
McHugh	Putnam
McInnis	Quinn
McIntyre	Radanovich
McKeon	Rahall
McNulty	Ramstad
Meahan	Rangel
Meek (FL)	Regula
Meeks (NY)	Rehberg
Menendez	Renzi
Mica	Reyes
Michaud	Reynolds
Millender-	Rogers (AL)
McDonald	Rogers (KY)
Miller (MI)	Rogers (MI)
Miller (NC)	Rohrabacher
Miller, Gary	Ros-Lehtinen
Miller, George	Ross
Mollohan	Rothman
Moore	Roybal-Allard
Moran (KS)	Royce
Moran (VA)	Ruppersberger
Murphy	Rush
Murtha	Ryan (OH)
Musgrave	Ryan (WI)
Myrick	Ryun (KS)
Napolitano	Sabo
Neal (MA)	Sánchez, Linda
Nethercutt	T.
Neugebauer	Sanders
Ney	Sandlin
Northup	Saxton
Norwood	Schiff
Nunes	Schrock
Nussle	Scott (GA)
Oberstar	Sensenbrenner
Obey	Sessions
Oliver	Shadegg
Ortiz	Shaw
Osborne	Shays
Ose	Sherwood
Otter	Shimkus

NOES—22

Ackerman	Jackson-Lee	Paul
Baird	(TX)	Schakowsky
Berman	Jones (OH)	Scott (VA)
Clay	Kucinich	Serrano
Grijalva	Lee	Stark
Harnan	Lewis (GA)	Velázquez
Honda	Lofgren	Waters
	Nadler	Waxman

ANSWERED “PRESENT”—1

Sherman

NOT VOTING—19

Bell	Fossella	Rodriguez
Berkley	Gibbons	Sanchez, Loretta
Cardoza	John	Tauzin
Conyers	King (NY)	Udall (CO)
Davis (IL)	Lewis (CA)	Wicker
DeFazio	Maloney	
Doolittle	Miller (FL)	

□ 1303

Mrs. JONES of Ohio changed her vote from “aye” to “no.”

Mr. GINGREY and Mr. MCINNIS changed their vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to increase the penalties for violations by television and

radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.”.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MALONEY. Mr. Speaker, I was unavoidably delayed and missed rollcall vote No. 55. Had I been present I would have voted “aye,” in favor of H.R. 3717, the Broadcast Decency Enforcement Act of 2004.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3717.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

House Concurrent Resolution 15, by the yeas and nays;

House Resolution 540, by the yeas and nays.

These remaining electronic votes will be conducted as 5-minute votes.

COMMENDING INDIA ON ITS CELEBRATION OF REPUBLIC DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 15.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 15, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 56]

YEAS—418

Abercrombie	Bass	Bonner
Ackerman	Beauprez	Bono
Aderholt	Becerra	Boozman
Akin	Bereuter	Boswell
Alexander	Berman	Boucher
Allen	Berry	Boyd
Andrews	Biggert	Bradley (NH)
Baca	Bilirakis	Brady (PA)
Bachus	Bishop (GA)	Brady (TX)
Baird	Bishop (NY)	Brown (OH)
Baker	Bishop (UT)	Brown (SC)
Baldwin	Blackburn	Brown, Corrine
Ballance	Blumenauer	Brown-Waite,
Ballenger	Blunt	Ginny
Barrett (SC)	Boehlert	Burgess
Bartlett (MD)	Boehner	Burns
Barton (TX)	Bonilla	Burr

Burton (IN)	Grijalva	McInnis	Scott (VA)	Stenholm	Velázquez	Brady (TX)	Goodlatte	McCollum
Buyer	Gutierrez	McIntyre	Sensenbrenner	Strickland	Visclosky	Brown (OH)	Gordon	McCotter
Calvert	Gutknecht	McKeon	Serrano	Stupak	Vitter	Brown (SC)	Goss	McCrery
Camp	Hall	McNulty	Sessions	Sullivan	Walden (OR)	Brown, Corrine	Granger	McDermott
Cannon	Harman	Meenahy	Shadegg	Sweeney	Walsh	Brown-Waite,	Graves	McGovern
Cantor	Harris	Meek (FL)	Shaw	Tancred	Wamp	Ginny	Green (TX)	McHugh
Capito	Hart	Meeks (NY)	Shays	Tanner	Waters	Burgess	Green (WI)	McInnis
Capps	Hastings (FL)	Menendez	Sherman	Tauscher	Watson	Burns	Greenwood	McIntyre
Capuano	Hastings (WA)	Mica	Sherwood	Taylor (MS)	Watt	Burr	Grijalva	McKeon
Cardin	Hayes	Michaud	Shimkus	Taylor (NC)	Waxman	Burton (IN)	Gutierrez	McNulty
Carson (IN)	Hayworth	Millender-	Shuster	Terry	Weiner	Buyer	Gutknecht	Meehan
Carson (OK)	Hefley	McDonald	Simmons	Thomas	Weldon (FL)	Calvert	Hall	Meek (FL)
Carter	Hensarling	Miller (MI)	Simpson	Thompson (CA)	Weldon (PA)	Cannon	Harman	Meeks (NY)
Case	Herger	Miller (NC)	Skelton	Thompson (MS)	Weller	Cantor	Harris	Menendez
Castle	Hill	Miller, Gary	Slaughter	Thornberry	Wexler	Capito	Hart	Mica
Chabot	Hinche	Miller, George	Smith (MI)	Tiahrt	Whitfield	Capps	Hastings (FL)	Michaud
Chandler	Hinojosa	Mollohan	Smith (NJ)	Tiberi	Wilson (NM)	Capuano	Hastings (WA)	Millender-
Chocola	Hobson	Moore	Smith (TX)	Tierney	Wilson (SC)	Cardin	Hayes	McDonald
Clay	Hoefel	Moran (KS)	Smith (WA)	Toomey	Wolf	Carson (IN)	Hayworth	Miller (MI)
Clyburn	Hoekstra	Moran (VA)	Snyder	Towns	Woolsey	Carson (OK)	Hefley	Miller (NC)
Coble	Holden	Murphy	Solis	Turner (OH)	Wu	Carter	Hensarling	Miller, Gary
Cole	Holt	Murtha	Souder	Turner (TX)	Wynn	Case	Herger	Miller, George
Collins	Honda	Musgrave	Spratt	Udall (NM)	Young (AK)	Castle	Hill	Mollohan
Conyers	Hooley (OR)	Myrick	Stark	Upton	Young (FL)	Chabot	Hinche	Moore
Cooper	Hostettler	Nadler	Stearns	Van Hollen		Chandler	Hinojosa	Moran (KS)
Costello	Houghton	Napolitano				Chocola	Hobson	Moran (VA)
Cox	Hoyer	Neal (MA)				Clay	Hoefel	Murphy
Cramer	Hulshof	Nethercutt				Clyburn	Hoekstra	Murtha
Crane	Hunter	Neugebauer				Coble	Holden	Musgrave
Crenshaw	Hyde	Ney				Cole	Holt	Myrick
Crowley	Inslee	Northup				Collins	Honda	Nadler
Cubin	Isakson	Norwood				Conyers	Hooley (OR)	Napolitano
Culberson	Israel	Nunes				Cooper	Hostettler	Neal (MA)
Cummings	Issa	Nussle				Costello	Houghton	Nethercutt
Cunningham	Istook	Oberstar				Cox	Hoyer	Neugebauer
Davis (AL)	Jackson (IL)	Obey				Cramer	Hulshof	Ney
Davis (CA)	Jackson-Lee	Oliver				Crane	Hunter	Northup
Davis (FL)	(TX)	Ortiz				Crenshaw	Hyde	Nussle
Davis (TN)	Jefferson	Osborne				Crowley	Inslee	Oberstar
Davis, Jo Ann	Jenkins	Ose				Cubin	Isakson	Obey
Davis, Tom	Johnson (CT)	Otter				Culberson	Israel	Oliver
Deal (GA)	Johnson (IL)	Owens				Cummings	Issa	Ortiz
DeGette	Johnson, E. B.	Oxley				Cunningham	Jackson (IL)	Osborne
Delahunt	Johnson, Sam	Pallone				Davis (AL)	Jackson-Lee	Ose
DeLauro	Jones (NC)	Pascarell				Davis (CA)	(TX)	Otter
DeLay	Jones (OH)	Pastor				Davis (FL)	Jefferson	Owens
DeMint	Kanjorski	Paul				Davis (TN)	Jenkins	Oxley
Deutsch	Kaptur	Payne				Davis, Jo Ann	Johnson (CT)	Pallone
Diaz-Balart, L.	Keller	Pearce				Davis, Tom	Johnson (IL)	Pascarell
Diaz-Balart, M.	Kelly	Pelosi				Deal (GA)	Johnson, E. B.	Pastor
Dicks	Kennedy (MN)	Pence				DeGette	Johnson, Sam	Paul
Dingell	Kennedy (RI)	Peterson (MN)				Delahunt	Jones (NC)	Payne
Doggett	Kildee	Peterson (PA)				DeLauro	Jones (OH)	Pearce
Dooley (CA)	Kilpatrick	Petri				DeLay	Kanjorski	Pence
Doolittle	Kind	Pickering				DeMint	Kaptur	Peterson (MN)
Doyle	King (IA)	Pitts				Deutsch	Keller	Peterson (PA)
Dreier	Kingston	Platts				Diaz-Balart, L.	Kelly	Petri
Duncan	Kirk	Pombo				Diaz-Balart, M.	Kennedy (MN)	Pickering
Dunn	Kleczka	Pomeroy				Dicks	Kennedy (RI)	Pitts
Edwards	Kline	Porter				Dingell	Kildee	Platts
Ehlers	Knollenberg	Portman				Doggett	Kilpatrick	Pombo
Emanuel	Kolbe	Price (NC)				Dooley (CA)	Kind	Pomeroy
Emerson	Kucinich	Pryce (OH)				Doolittle	King (IA)	Porter
Engel	LaHood	Putnam				Doyle	Kingston	Portman
English	Lampson	Quinn				Dreier	Kirk	Price (NC)
Eshoo	Langevin	Radanovich				Duncan	Kleczka	Pryce (OH)
Etheridge	Lantos	Rahall				Dunn	Kline	Putnam
Evans	Larsen (WA)	Ramstad				Edwards	Knollenberg	Quinn
Everett	Larson (CT)	Rangel				Ehlers	Kolbe	Radanovich
Farr	Latham	Regula				Emanuel	Kucinich	Rahall
Fattah	LaTourette	Rehberg				Emerson	LaHood	Ramstad
Feeney	Leach	Renzi				Engel	Lampson	Rangel
Ferguson	Lee	Reyes				English	Langevin	Regula
Filner	Levin	Reynolds				Eshoo	Lantos	Rehberg
Flake	Lewis (GA)	Rogers (AL)				Etheridge	Larsen (WA)	Renzi
Foley	Lewis (KY)	Rogers (KY)				Evans	Larson (CT)	Reyes
Forbes	Linder	Rogers (MI)				Everett	Latham	Reynolds
Ford	Lipinski	Rohrabacher				Farr	LaTourette	Rogers (AL)
Frank (MA)	LoBiondo	Ros-Lehtinen				Fattah	Leach	Rogers (KY)
Franks (AZ)	Lofgren	Ross				Feeney	Lee	Rogers (MI)
Frelinghuysen	Lowey	Rothman				Ferguson	Levin	Rohrabacher
Frost	Lucas (KY)	Roybal-Allard				Filner	Lewis (GA)	Ros-Lehtinen
Gallely	Lucas (OK)	Royce				Flake	Lewis (KY)	Ross
Garrett (NJ)	Lynch	Ruppersberger				Foley	Linder	Rothman
Gephardt	Majette	Rush				Forbes	Lipinski	Roybal-Allard
Gerlach	Maloney	Ryan (OH)				Ford	LoBiondo	Royce
Gilchrest	Manzullo	Ryan (WI)				Frank (MA)	Lofgren	Ruppersberger
Gillmor	Markey	Ryan (KS)				Franks (AZ)	Lowey	Rush
Gingrey	Marshall	Sabo				Frelinghuysen	Lucas (KY)	Ryan (OH)
Gonzalez	Matheson	Sánchez, Linda				Frost	Lucas (OK)	Ryan (WI)
Goode	Matsui	T.				Gallely	Lynch	Ryan (KS)
Goodlatte	McCarthy (MO)	Sánchez, Loretta				Garrett (NJ)	Majette	Sabo
Gordon	McCarthy (NY)	Sanders				Gephardt	Maloney	Sánchez, Linda
Goss	McCollum	Sandlin				Gerlach	Manzullo	T.
Granger	McCotter	Saxton				Gilchrest	Markey	Sánchez, Loretta
Graves	McCrery	Schakowsky				Gillmor	Matheson	Sanders
Green (TX)	McDermott	Schiff				Gingrey	Matsui	Sandlin
Green (WI)	McGovern	Schrock				Gonzalez	McCarthy (MO)	Saxton
Greenwood	McHugh	Scott (GA)				Goode	McCarthy (NY)	Schakowsky

NOT VOTING—15

Bell	Fossella	Miller (FL)
Berkley	Gibbons	Rodriguez
Cardoza	John	Tauzin
Davis (IL)	King (NY)	Udall (CO)
DeFazio	Lewis (CA)	Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1313

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES OF HOUSE OF REPRESENTATIVES FOR UNTIMELY DEATH OF MAC- EDONIAN PRESIDENT BORIS TRAJKOVSKI

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 540, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BE-REUTER) that the House suspend the rules and agree to the resolution, H. Res. 540, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 57]

YEAS—411

Abercrombie	Barrett (SC)	Blackburn
Ackerman	Bartlett (MD)	Blumenauer
Aderholt	Barton (TX)	Blunt
Akin	Bass	Boehert
Alexander	Beauprez	Boehner
Allen	Becerra	Bonilla
Andrews	Bereuter	Bonner
Baca	Berman	Bono
Bachus	Berry	Boozman
Baird	Biggart	Boswell
Baker	Bilirakis	Boucher
Baldwin	Bishop (GA)	Boyd
Ballance	Bishop (NY)	Bradley (NH)
Ballenger	Bishop (UT)	Brady (PA)

Schiff	Stearns	Velázquez
Schrock	Stenholm	Visclosky
Scott (GA)	Strickland	Vitter
Scott (VA)	Stupak	Walden (OR)
Sensenbrenner	Sullivan	Walsh
Serrano	Sweeney	Wamp
Sessions	Tancredo	Waters
Shadegg	Tanner	Watson
Shaw	Tauscher	Watt
Shays	Taylor (MS)	Waxman
Sherman	Taylor (NC)	Weiner
Sherwood	Terry	Weldon (FL)
Shimkus	Thomas	Weldon (PA)
Shuster	Thompson (CA)	Weller
Simmons	Thompson (MS)	Wexler
Simpson	Thornberry	Whitfield
Skelton	Tiahrt	Wilson (NM)
Slaughter	Tiberi	Wilson (SC)
Smith (MI)	Tierney	Wolf
Smith (NJ)	Toomey	Woolsey
Smith (TX)	Towns	Wu
Smith (WA)	Turner (OH)	Wynn
Snyder	Turner (TX)	Young (AK)
Solis	Udall (NM)	Young (FL)
Spratt	Upton	
Stark	Van Hollen	

NOT VOTING—22

Bell	Istook	Pelosi
Berkley	John	Rodriguez
Camp	King (NY)	Souder
Cardoza	Lewis (CA)	Tauzin
Davis (IL)	Marshall	Udall (CO)
DeFazio	Miller (FL)	Wicker
Fossella	Norwood	
Gibbons	Nunes	

□ 1324

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of California. Mr. Speaker, due to personal business, I was unavoidably detained during rollcall votes 55 and 56 on March 11, 2004. Had I been present for rollcall 55 on H.R. 3717, the "Broadcast Decency Enforcement Act of 2004," I would have voted "yea." Had I been present for rollcall 56, H. Con. Res. 15, "Commending India on its celebration of Republic Day," I would have voted "yea."

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, I would like to offer a personal explanation of the reason for my absence on March 10 and 11, 2004. Last week, former Governor of Nevada Mike O'Callaghan passed away and I had to leave Washington this Wednesday afternoon, March 10, to attend funeral services for Governor O'Callaghan.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted:

Rollcall vote No. 48, on agreeing to the Scott (VA) amendment—"no";

Rollcall vote No. 49, on agreeing to the Watt amendment—"no";

Rollcall vote No. 50, on agreeing to the Andrews amendment—"no";

Rollcall vote No. 51, on agreeing to the Ackerman amendment—"no";

Rollcall vote No. 52, on agreeing to the Jackson-Lee amendment—"no";

Rollcall vote No. 53, on agreeing to the Watt amendment—"no";

Rollcall vote No. 54, on agreeing to the Resolution, H.R. 339—"yes";

Rollcall vote No. 55, on passage of H.R. 3717—"yes";

Rollcall vote No. 56, on passage of H. Con. Res. 15—"yes"; and

Rollcall vote No. 57, on passage of H. Res. 540—"yes."

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I wish to address the House for the purposes of inquiring of the acting majority leader the schedule for the coming week; and I would be glad to yield to my good friend, the gentleman from Ohio (Mr. PORTMAN), who chairs the leadership committee, or I am not sure of his exact title, but he is my friend and an able Member of this body, and I am glad to yield to him.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Maryland for yielding to me, and I would be happy to talk about the schedule for next week.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning business, 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those will also be sent to Members' offices by the end of this week. Any votes called on those suspensions will be rolled until 6:30 p.m., as has been our custom.

On Wednesday and Thursday, Mr. Speaker, the House will convene at 10 a.m. We still hope to consider the budget resolution for fiscal year 2005, although that is being worked out.

In addition, as we all know, next week is the anniversary of the start of Operation Iraqi Freedom, as well as the anniversary of Saddam Hussein's chemical weapons attacks against the Kurds. So on Wednesday, the House will consider a resolution remembering these historical events and commemorating the allied forces, including our troops, for the liberation of Iraq.

Finally, I would like to remind all Members that we do not plan to have votes next Friday, March 19.

I thank my friend from Maryland very much for yielding to me, and I would be happy to answer any questions, or try to answer any questions, he might have.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information he has provided us.

This is the first time at least that I have heard of the consideration of the Iraqi resolution next week. I understand the timing of that and the date on which that effort began. Because I have just heard about this and have not had an opportunity to talk to our ranking members on either the foreign affairs committee or on the defense committee, can the gentleman inform me as to whether or not this resolution has been put together in a bipartisan way, with participation by the minority? The reason I ask the gentleman that is I think all of us want to ensure that we are united on it.

I have not seen the statement so I do not know what it is, but clearly we are, I think, all proud of the actions of our Armed Forces; and they carried out their mission in an extraordinarily effective, efficient, and courageous manner. We are all proud of our men and women in uniform for what they have done. We are all pleased, as well, that Saddam Hussein has been captured and is in custody and no longer at least poses a personal threat; but I am sure my friend from Ohio agrees that hopefully this statement will be one which is reached in a bipartisan way and we can have overwhelmingly bipartisan support of.

I certainly, as one who supported, as my colleague knows, the effort in Iraq and supported the funding for that effort, want to be able to support it. I have not seen it, but I am hopeful that we do this in a bipartisan way.

I would be glad to yield to my friend to comment on this issue.

Mr. PORTMAN. Mr. Speaker, I thank my colleague for yielding, and I have not seen the resolution either. It has not been introduced yet. My understanding is that the gentleman from Illinois (Chairman HYDE) has taken the lead on that and the Committee on International Relations, and he will be consulting with the gentleman from California (Ranking Member LANTOS), and I am sure he would appreciate any input that Members have on both sides. It would be good if we could as a House support this resolution on a bipartisan basis because it will be, as my colleague said, important to be able to show that support for our troops who are currently in Iraq performing for us and for the American people.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information; and I understand he is a little bit in the same position I am, having just learned of this in the last few minutes. I am pleased to hear that the gentleman from Illinois (Mr. HYDE) will be communicating with and working with the gentleman from California (Mr. LANTOS). Again, while there are, obviously, as we all know, disagreements on the prosecution of that effort, whether we should have undertaken it, there is no, I think, dispute on the underlying support of our troops, their effort, their safety, and their objectives. Hopefully, that is what we will articulate.

I thank the gentleman for his information, and I will surely be talking to the gentleman from California (Mr. LANTOS), as I know our leader will, to try to make sure that we are all together on this statement, which I think will be good for our troops and good for the world to see as well. I thank the gentleman.

We had expected to see the budget resolution on the floor next week. Then, frankly, we had heard in the last few hours, or few minutes, that that was not going to be the case, that the markup had been called off or cancelled, rescheduled by the gentleman

from Iowa (Mr. NUSSLE) for next week. Our presumption was, if that was the case, then the budget would be delayed a week.

Now the information is, and I know the gentleman from Texas (Mr. DELAY), the leader, is not on the floor, it is my understanding that perhaps he is working on trying to effect agreement, but can the gentleman tell me whether or not he has confidence that that will be on the floor next week, or are we waiting to see what is going to happen today to make that final decision?

Mr. PORTMAN. Mr. Speaker, if my colleague will yield further, it is still up in the air. As the gentleman knows, we had planned to have the budget marked up in committee today and then brought to the floor next week. It is important that we keep our time frame because it is important that we have our appropriations bills done in a timely manner. So we are still hopeful that can happen, but we have had some delays in the markup today. We did get started on the markup. We had some good opening statements, and we are going back into committee later today, but there are currently negotiations over whether we can finish that today or not.

I will say that we are excited about the budget document. It does restrain spending, which we believe is the right thing to do. There have been some disagreements between the bodies, even between Members, on both sides of the aisle, over some of the budget enforcement mechanisms. Those are more the issues here that have to do with caps and PAYGOs and those sorts of issues; but the budget itself, this resolution, we hope to be able to mark up today. If not, we will certainly mark it up next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Last week, I asked the leader and would ask the gentleman, as we approach next week, assuming that the budget is to be on the floor next week, about the commitment of the majority to allowing the minority, as has historically happened, to have various alternatives. As the gentleman knows, the Congressional Black Caucus has always had the opportunity to offer an alternative that was a thoughtful, persuasive budget. I did not always support it.

□ 1330

We have other caucuses who may want to offer alternatives as well, and clearly the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget on our side of the aisle, will want to offer a substitute as well.

Is the gentleman aware of whether or not, as has happened in the past, we will be afforded the opportunity to offer various alternatives to the budget document that will be reported out of committee?

Mr. Speaker, I yield to the gentleman.

Mr. PORTMAN. I thank the gentleman for yielding further.

It is my understanding that, as in prior years, the Committee on Rules will give preference to complete substitutes rather than amendments to the budget document. It is my understanding further that we will provide adequate time, as we have in the past, for both general debate and for these substitutes.

Historically, this debate has varied between 3 to 5 hours for general debate and 40 minutes to 1 hour for amendments or substitutes. It is my understanding that it is the intention once again for the Committee on Rules to provide those kinds of rules. Of course, they have not seen the various resolutions yet, including the one that comes out of the Committee on the Budget. But that is certainly the intent of the Committee on Rules at this point.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation, and I would hope we do follow that practice. Because, clearly, while the budget document, in particular for those of us who serve on the Committee on Appropriations, is a relatively broad-brush document, it does very pointedly speak to the priorities that Members have and that we think our country ought to have. Because of that, it becomes even more important, I think, in the people's House that the people's representatives have an opportunity to offer alternatives so that not only Members, but the American public can form a judgment of their own as to what alternative is in the best interest of our country.

So I appreciate the gentleman's observation that full substitutes, and usually, as you know, that is what we have been offering, and certainly it is the intention of the gentleman from South Carolina, as the ranking member, to offer a substitute. Of course we do not know what ultimately is going to happen, we will have to see what the Committee on the Budget produces, but I am sure that the gentleman from South Carolina will want to offer a substitute.

The gentleman mentioned enforcement mechanisms. The Senate, as you know, the other body, has adopted an enforcement mechanism, which we think if you are going to have an enforcement mechanism makes sense.

First of all, does the gentleman know whether the enforcement mechanism will be in a separate piece or legislation included in the budget offering itself?

Mr. Speaker, I yield to my friend.

Mr. PORTMAN. Let me say at the outset that we welcome a substitute from the gentleman from South Carolina (Mr. SPRATT), better yet that he supports the substitute the gentleman from Iowa (Mr. NUSSLE) will offer in committee. But certainly having an alternative is welcome and the debate will be a healthy one.

With regard to any budget enforcement mechanisms, there has not been a

decision whether that will be part of the budget resolution. I think that is part of the discussion now whether there will be separate legislation. There are advantages and disadvantage to both, I suppose, but that decision has not been made yet.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's response. In addition, of course, to the substitute, or an amendment to the budget in the form of a substitute, I am sure that we would be, depending upon what comes out of the committee, very much committed to offering an enforcement mechanism proposal of our own. We believe that the enforcement mechanism that was in place some years ago was effective in reaching balance and, in fact, taking us into surplus. That was allowed to lapse, and is not in force now, which allowed us to do the tax cuts that were passed over the last 3 years.

Is the gentleman of the view that we will be allowed to have, under the rules, a substitute and/or amendments to the proposal for enforcement that is reported out of the Committee on the Budget?

I yield to my friend.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding to me.

I do not know what form it will take. If it is part of the budget resolution, I suppose then other budget resolution substitutes, as we talked about earlier, might include enforcement mechanisms as well. The gentleman mentioned the ranking member may indeed offer one of his own. If it is separate legislation, the Committee on Rules would take that up.

I do not know, I would say to my friend from Maryland, I do not know when that would be. I do not know if it will be the same time as the budget. There are other committees, particularly the Committee on Rules, that will have jurisdiction of any enforcement mechanism. Ultimately, it is up to the will of the Congress, is it not, as to how we enforce our budgets?

I just do not know what the likely form will take. Again, I think our goal would be to have a healthy debate over the enforcement mechanisms. We feel strongly that spending ought to be subject to the pay-go rules. We feel strongly that the tax relief that was enacted over the last 3 years has now turned this economy around and we are beginning to see growth. So we would hate to subject those to the kinds of pay-go rules that would not have permitted, during the time when the economy was in bad shape, for us to begin to get some economic stimulus and growth.

So this may be some of the debates we will have on the floor, and I would think we would encourage that.

Mr. HOYER. Mr. Speaker, I understand the gentleman's comment, but as he knows, Mr. Greenspan, who has not been necessarily an advocate of our side of the argument, as a matter of fact, has been on the gentleman's side of the argument on the tax cuts, has

made it very clear that he believes, for the interest of economic security and stability in the country, that the pay-go rules ought to apply on both the spending and the tax side. Because, of course, in either event, you can plunge yourself, as we believe we have, into deep deficits.

So I think that will be a good debate. We will obviously point to Mr. Greenspan's assertions, which we agree in this instance, that it is very difficult to control if you do not have pay-go applying on both sides of the ledger.

Lastly, if I might, as a distinguished member of the Committee on Ways and Means, a senior member of the Committee on Ways and Means, the gentleman knows that the Foreign Sales Corporation legislation has been pending for many, many months now. We are concerned, as you know, that the Europeans are now imposing sanctions as a result of the WTO's finding that we are not in compliance.

Can the gentleman tell me whether or not the FSC legislation will be on the floor any time soon; and, if so, whether or not the Rangel-Manzullo alternative will be made in order as an alternative?

I yield to my friend from Ohio.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Maryland for yielding to me again.

The legislation is very much on our minds. As you know, the Committee on Ways and Means has worked hard on this legislation already. The gentleman mentioned the substitute which the gentleman from New York (Mr. RANGEL) may want to offer in committee. The tariff increases are beginning to take effect, increasing by 1 percent every month, so it is something we are working hard on.

We do want to work closely with the other body on this to be sure that we can actually enact legislation, as well as with the President and with his team, the U.S. Trade Representative's Office and the Treasury Department in particular. So we are working closely with them.

I do not know when legislation may come to the floor, but I understand that the Committee on Ways and Means is planning another meeting next week to discuss certain aspects of this, to be sure that as we repeal the FSC/ETI provisions, we are also providing adequate benefits for U.S. companies who are involved in global competition.

So this is a very high priority on our side of the aisle and we continue to work toward that goal.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments, and while I accept his premise that it is a high priority, very frankly, I will tell my friend from Ohio, there is no doubt we could have passed a bipartisan supported bill here with a very substantial number of votes many, many months ago. That was not the determination, apparently, of the committee to report out such a bill. We think that is unfortunate.

We believe that if the Rangel-Crane or the Rangel-Manzullo bill, or the Manzullo-Rangel bill were reported out, I think we would see well over 225 to 230 votes for that, maybe more. But in any event, I appreciate the gentleman's comments.

Mr. PORTMAN. Mr. Speaker, if the gentleman will yield a moment.

Mr. HOYER. Mr. Speaker, I would be glad to yield to the gentleman.

Mr. PORTMAN. I respect the gentleman's vote-counting ability, as he knows, but being on the committee, I can say that I am not certain such a bill could have even been reported out the committee because there are many complexities with responding to this tough issue.

Mr. HOYER. Reclaiming my time, Mr. Speaker, if I can just briefly, I share the gentleman's view. I do not think such a bill could be reported out of the Committee on Ways and Means either. Our perception is, as the gentleman well knows, it is tough to pass bipartisan bills out of the Committee on Ways and Means because I do not think there is any interest in doing that. I think that is unfortunate because this is a critical problem confronting us.

I think we could have, as we have in the past, and the drug reimportation being a perfect example of a bill that passed very handily in a bipartisan fashion through this House. Unfortunately, it did not make it out of the conference committee. Notwithstanding the fact that both Houses were for it, there were people who were not for it.

But this is a critical problem, and my only suggestion to my good friend, with whom I have worked in a very bipartisan fashion on very successful legislation, and I know the gentleman's inclination is to do that, to legislate, not just to throw bombs at one another. I thank the gentleman for his observation and hope, in fact, that he is correct and we move on this quickly. And if it is not a bipartisan bill as it comes to the floor, I hope that we do provide for the minority an opportunity to offer an alternative which we think will be in the best interest of this country. We will debate that and the majority will prevail.

Mr. Speaker, I thank the gentleman for his comments and thank him for the information.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will recognize Members for special order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LOSS OF JOBS IN OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, yesterday President Bush made a campaign trip to Cleveland to speak to small business people to explain his economic policy and to try to answer why Ohio has lost 300,000 jobs in the last 3 years; to try to explain why Ohio has lost 160,000 manufacturing jobs; that one out of every six manufacturing jobs in Ohio has disappeared, likely permanently for most of them. One out of six jobs in manufacturing has disappeared since President Bush took office.

He also came to Ohio to answer why the head of his council, the chairman of his Council of Economic Advisers, Gregory Mankiw, said that outsourcing of jobs, jobs moving overseas, that Mr. Mankiw said and the President signed a report supporting this, that outsourcing was a good thing because it makes the economy more efficient.

Now, Mr. Speaker, I think the President needs to explain a little better. Last week, I was in Akron, in my district. Akron, Ohio. I spoke to some company owners who own small machine shops with 50 employees, 30 employees, or 100 employees, but all small manufacturing businesses. One owner of a machine shop came up to me before I spoke. He gave me a stack of these fliers. He actually gave me about four times this many, about six or seven inches of fliers. He told me that he gets about this many fliers every month, and he says these fliers are auction fliers. They basically are notifications from companies all over the United States that are having fire sales; that are having going-out-of-business sales.

□ 1345

Mr. Speaker, here is an auction flyer that says high-tech manufacturing plant closing in Elk Grove, Indiana.

Another one is a plant closed, everything sells, from Verona, Pennsylvania. Here are two complete stamping and machine tool shops closing. They are selling all their equipment. They are looking for buyers. This is from Oak Brook, Illinois.

Here is a plant closing, everything must sell, from North Carolina.

Another one here from Marion, Ohio, complete shop close-out auction. The absolute auction, Cuyahoga Falls, Ohio, in my district, complete liquidation of the Cuyahoga Falls plant.

Precision C&C job shop downsizing because of outsourcing, from Scottsboro, Alabama.

Another one from Massachusetts, large-capacity fabricating and machine shop closing.

Another one, 3 days, two tremendous public auctions, two companies, machinery and equipment and real estate. Plant closed, everything must go, real estate for sale.

Another company, plant closed, everything sells.

Another one from Ross, Ohio, plant closing due to relocation overseas.

Another one from Medina, Ohio, facility closed, all must go.

Mr. Speaker, I do not think the President understands the depths of this problem in this country. These are companies, hundreds and hundreds and hundreds of companies representing hundreds of thousands of workers who are going out of business, who are downsizing, who are shipping their jobs overseas; yet the President says that he supports outsourcing, that outsourcing is a good thing.

The President needs to look in the eye of some of those 800,000 workers in this country who have seen their unemployment compensation expire in the last 3 months, and this Republican Congress refuses to extend those benefits. It is not just 800,000 workers. It is 800,000 families; it is millions of children; it is communities; it is our schools. Everyone is affected by the plant closings.

The President's answer, if there is bad economic news, and if he looked at some of these plant closings, fire sales, going out of business auction brochures, he would say we need to do more tax cuts for the wealthy, maybe some of it will trickle down and create jobs; we need to do more trade agreements like NAFTA. That is the President's answer to every bad piece of economic news. When the President sees unemployment goes up, he says more tax cuts for the most privileged and more trade agreements that hemorrhage jobs overseas.

When the President sees bad economic numbers, terrible trade deficits, the highest in history, our trade deficit with China alone is now \$124 billion, and that is where a lot of these companies are going, the President's answer is we need more trade agreements like NAFTA and tax cuts for the wealthiest people in the country.

Mr. Speaker, we need to pass Crane-Rangel, which will give incentives for

domestic manufacturers and small businesses. We need to extend unemployment compensation to those 800,000 families.

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ECONOMIC GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, a few months ago I came down to the floor to talk about our economy and the steps that President Bush and Congress have taken to offset the recession and the trillion-dollar impact of September 11 on our economy.

Part of my remarks that day focused on tax relief and the effect it has had in helping our families, working families, and small businesses weather what has been some tough economic times; and I think it is important that we reiterate our support for tax relief because there are those across the aisle who are increasingly supportive of raising your tax bill. I want to let my constituents in the Seventh Congressional District of Tennessee know that I am standing beside tax relief legislation. I stand with cutting their tax bills.

In 2003 under Republican leadership and under Republican tax legislation, 91 million taxpayers received on average a tax cut in the amount of \$1,126. This is real relief for 91 million Americans. So when the rhetoric from the other side of the aisle starts flying that tax relief is only for the rich, you can judge for yourself whether you think 91 million Americans would consider themselves rich.

A few months ago, candidates for the Democratic nomination were all calling for tax increases. Virtually all of them opposed the tax relief which has allowed 91 million Americans to keep more of their hard-earned paychecks. On July 28, a Washington Post column

proclaimed: "Candidates Not Shying Away From Tax Talk: Candidates Discuss Raises, Not Cuts."

It is important to note they may think you can tax your way to prosperity, but you cannot. You cannot. We know that it is important to leave that money with the taxpayer. Well, today we have a single Democratic candidate, and he is on record for raising some income tax brackets to pre-Bush levels. The question every American needs to consider is this: Why should we raise taxes? What do higher taxes do to the economy? It is a simple answer: higher taxes take capital out of the private sector and give government more money to spend.

I think a vast majority of Americans, and I know the folks in my district, know that higher taxes do not grow our economy; they grow the government.

Something else I think the American people should know is that the tax relief that we have passed, the tax relief responsible for giving 91 million Americans an average of \$1,126 in relief last year is not permanent. In short, this tax relief will end in 2011; and at that point, virtually all taxpayers will start facing higher tax bills. Democrats largely do not support making this relief permanent. Americans will again be subject to the marriage tax, the death tax. A family of four making \$36,268 will see a tax hike of over \$2,000; that is if we do not make permanent our tax relief legislation, and that is something that we are working to do.

The President and this Congress are working to ensure that this relief is permanent, and I look forward to the debate because we are on the side of lower taxes, economic growth, not tax hikes and big government. We are for leaving the money with those who earn it.

MCGOVERN-DOLE FOOD FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, currently there are more than 300 million chronically hungry children in the world. Around 130 million of these children, mainly girls, do not attend school. The rest go to school hungry, severely limiting their ability to learn. The U.S. Department of Agriculture's McGovern-Dole International Food for Education Program is helping to change this grim reality. One exciting example of this program is taking place in Afghanistan where World Vision is making a difference in the lives of 37,000 children.

In Afghanistan, 52 percent of children under 5 are malnourished. Access to education is extremely limited, and the quality of education, when available, is poor. The Taliban largely excluded girls from formal education, and women were prohibited from teaching. The World Bank estimates the primary

school enrollment rate at 39 percent for boys and 3 percent for girls. In the current environment, the demand for education opportunities far outstrip supply. Schools run multiple shifts, and many classes meet outside with the barest minimum of basic material, teachers, and facilities.

This particular McGovern-Dole International Food Program is being implemented in 115 schools in the remote provinces of Badghis and Ghore in the western region of Afghanistan. In this area, out of a school-aged population of 60,000, only 23,000 students were enrolled in schools last year; and just some 3,400 were girls.

World Vision is providing 37,000 students with a monthly ration of wheat, rice, lentils and vegetable oil for attending school, which also serves as an incentive for poor Afghan families to send both their sons and their daughters to class. These commodity are provided by hard-working farmers in Washington State, California, Tennessee, Wisconsin, and Minnesota. In the most remote areas, World Vision is using donkey trains to transport the food to the schools.

In each of the 115 schools, World Vision trains community volunteers to help identify pressing needs and will provide all 37,000 students with a student kit including notebooks, pens, pencils, erasers, sharpeners, shoes, a book bag, and a cloth wrap for girls so they are not excluded from education in conservative areas due to cultural taboos.

World Vision also works with community volunteers to make sure that the school is a proper learning environment for the children and will be supplying each school with chalkboards and chalk, desks, tables, cabinets, maps, books, water systems, and latrines.

World Vision is building nine schools over the course of the next year in the Jarward district, where there are only six schools covering just 4 percent of the total school population. While nine schools cannot address all of this need, it will allow another 3,600 students to attend classes. These schools will replace and greatly expand four temporary schools set up last year under UNICEF plastic tents. Five of these schools are being constructed with McGovern-Dole funding, and the other four are being built with private resources raised by World Vision.

World Vision is working with local councils so some of these schools will be set up exclusively for girls. World Vision's agronomists are also helping each school set up its own garden to raise cucumbers, tomatoes, eggplants, okra, onions, carrots, spinach, hot peppers, turnips and watermelon, which will complement the U.S.-grown commodities with the micronutrients that vegetables can supply. These garden projects also teach improved agricultural techniques to students and interested community members which they can use in their own family farming;

and they help the schools establish a microenterprise, selling the excess production and using the funds to defray the schools' cost.

World Vision is training 675 teachers in the new ministry of education curriculum, designed by UNICEF to replace the Taliban's restrictive system. It is also complementing teachers' meager salaries with food baskets so they can dedicate their full time to teaching instead of taking on jobs outside the schools.

This support comes at a critical time in Afghanistan's transition as the new government struggles to reestablish infrastructure in these remote areas.

Originally, World Vision's Afghanistan program was designed as a 2-year program; and in the second year it would have greatly expanded benefits to additional communities, students, and teachers. Unfortunately, President Bush severely cut funding for the McGovern-Dole International Food for Education Program, and this Congress failed to protect the program in the appropriations process. Sadly, many projects have been cut back to 1 year.

Mr. Speaker, I call on the leadership of this House to significantly increase funding for the McGovern-Dole International Food for Education Program so its many worthy projects like the World Vision program in Afghanistan can reach even more needy children and communities.

IRAQ AND THE WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GERLACH) is recognized for 5 minutes.

Mr. GERLACH. Mr. Speaker, I rise today in an effort to dispel continuing myths which have been propagated with regard to the role of Iraq in the larger war on terrorism. While many Democrat Members have worked hard to promote these myths, it is time that we who know and understand the truth come forward to fully explain it.

Let me be perfectly clear. The war against Iraq is a central component in the global fight against terrorism. The Hussein regime's support for terrorism, within and outside of its borders, its appetite for the world's most dangerous weapons, and its openly declared hostility to the United States were a combination that was a gathering and growing danger to our country.

In light of the September 11 terrorist attacks, ending this regime was central to the war on terrorism and central to ensuring that more attacks on American soil, like the September 11 attacks and the 1993 World Trade Center bombing, never occur again.

□ 1400

The Hussein regime established significant and numerous ties with terrorist organizations like al Qaeda for over a decade prior to September 11, 2001. This included the provision of

training, financing and sanctuary. In fact, the Iraqi foreign minister admitted in March 2003 that Iraqi funds were sent to families of Palestinian suicide bombers who attacked and killed innocent Israeli citizens, and also 12 Americans in Israel in 2003. Even the Clinton Administration agreed and repeatedly asserted connections between al Qaeda and Iraq, and explicitly said that Hussein posed a threat to the United States itself.

By ending the Hussein regime, the United States has taken away yet another incubator of terrorism. Terrorist groups benefited for years from support of Saddam Hussein and his regime. Further, by acting decisively in Iraq, the United States has sent very strong signals to other nations that have been or could be terrorist sympathizers. Had the United States not acted in Iraq, Libyan leader Muammar Qadhafi would likely not have declared his weapons programs, submitted to international inspections and voluntarily dismantled its programs. In addition, it is very likely that United States action in Iraq caused Iran to open its nuclear facilities for international inspection and suspend its uranium enrichment activities.

The list goes on and on, from Syria to North Korea. We are seeing changes in the way these nations deal with terrorism because of our actions in Iraq.

Those who like to spread misconceptions and myths often point to the fact that no weapons of mass destruction have yet been found in post-war Iraq. They say the President and his administration deceived the American people and the international community.

However, David Kay, our chief weapons inspector, has stated repeatedly that it was prudent to attack Iraq, and that as the inspection process continues, as it does, we will find that Iraq was more dangerous than we actually understood at the time because the regime was collapsing and Iraq was a country that had capabilities to develop weapons of mass destruction that terrorist groups have sought repeatedly.

Had the Hussein regime lost control completely, Iraq would have become a breeding ground for international terrorism, much like Afghanistan was under the Taliban, the only difference being that Iraq had the wealth and the resources necessary to build weapons that could have been directly threatening to the United States and our allies.

Further, not only the United States, but the French, British, Germans and the United Nations all thought Hussein possessed weapons of mass destruction before the United States intervened.

There is also the myth that the United States and our allies intervened in Iraq solely based only evidence of weapons of mass destruction. This is not true. Again, according to David Kay, Iraq clearly was in violation of United Nations Resolution 1441. This resolution required Iraq to come clean and report on all of its activities.

To date, hundreds of cases have been found that show Iraq was engaged in activities that were prohibited under that resolution and under the initial resolution, 687.

Our case for war was and remains clear. The majority of the American people understand that, the House of Representatives understood that when this body agreed in the 107th Congress by passing H.J. Res. 114 by a vote of 296 to 133, and our allies around the world understood that and continue to share our resolve.

Clearly, there are those Democrat candidates who are using this election year for partisan politics to cloud the truth. These tactics will ultimately fail because we all understand that the United States is safer today and our citizens are far less likely to be victims of domestic terrorist attack because we have removed the Hussein regime and are on the way to helping establish and ally in the Middle East.

Mr. Speaker, it is also important to remember that who made this security possible. The thousands of American sailors, soldiers and airmen who drove the once powerful dictator to cower in a hole are owed the praise of the entire Nation.

I would ask that all Americans take a moment to think about our friends, sons, daughters, mothers and fathers who are serving proudly in Iraq and around the world as part of the global war on terrorism. They are ensuring our safety and working hard to make sure that another day like September 11 never happens again. To Members of our armed services, I say thank you. I would also remind them that no matter what they hear to the contrary from Democrat politicians, their actions in Iraq are justified and necessary.

NEED FOR CONCERN OVER JOB LOSS

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, as has been noted here on the floor earlier by my colleague the gentleman from Ohio (Mr. BROWN), the President came to Ohio yesterday. It was his 15th visit since being elected, or since ascending to the presidency.

The fact is that he should come to Ohio, because Ohio is a suffering State. Ohio has lost approximately 300,000 jobs since the President has been in office. About 160,000 of those jobs have been good paying manufacturing jobs, living wage jobs, jobs with good benefits. And, quite frankly, there is no recovery in Ohio as I stand here in this Chamber today. The recovery may be happening on Wall Street, it may be happening in other States, but the recovery has not yet come to Ohio. So I think the President should be concerned.

Just yesterday in this Chamber, a group of high school students from my

district, from Jefferson County, were visiting here in the Nation's Capital, and during the question and answer session that I had with them in this Chamber, a high school student asked me what I could say to those who had worked at Weirton Steel, those who had retired, had been a part of this community and of this company, and are now being told that their health benefits are no longer there for them, that their pensions are being reduced.

Quite frankly, it is difficult to answer a question like that coming from one of my constituents, because the sad, sad fact is, there are good citizens, law-abiding, patriotic Americans, who have worked all their lives and are now finding themselves in the most difficult circumstances. They may be in their mid-fifties, with major health problems, only to find that they are no longer covered with health insurance.

So we need to focus on Ohio, and the President needs to be thinking about job creation. But that is why I am so disappointed in the President's recently published economic report to the Nation. In that report there is this sentence: "If a good or a service can be produced at lower cost in another country, it makes sense to import that product rather than to produce it domestically."

Now, the fact is that nearly every job in this country can probably be performed at lower cost in another country. The fact is that the Chinese and the Indians, the Vietnamese, those from Australia, they are doing the producing and they are taking jobs from this country. As is the case in Mexico that I visited a couple months ago, paying \$38 a week, an American company paying \$38 a week for 9½ hour days, well, of course they can produce it at lower cost there. But the last thing we need is for the President to indicate that this is a good thing.

That economic report was issued under President Bush's signature, so he is responsible for that conclusion, that statement, "if a good or a service can be produced at a lower cost in another country, it makes sense to produce it there, rather than to produce it domestically."

But what do you say, what do you say, Mr. President, to the unemployed steelworkers, to those along the Ohio River, on both the West Virginia, Pennsylvania and Ohio portions of that river, whose jobs depend on producing china and pottery, these jobs that are being threatened by imports from China, when your administration is wanting to reduce or eliminate the current tariffs of 28 percent? What do you say to them?

Of course you can make a plate cheaper in China, if you are going to pay pennies an hour or dollars a week, but that does not make it right. We need a President who is willing to stand up for American jobs, American workers, American communities and American industries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair and not to the Executive Branch.

PRESIDENT'S GRAND STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, as Paul Harvey says on his radio show, now for the rest of the story.

It is interesting, many of the Democrats have talked about job loss in America, but they do not mention the fact that trade has actually brought jobs into America. In Ohio, the Honda plant now paying high wages for its employees assembling Honda automobiles. In South Carolina, I know the Democratic governor was very instrumental in getting BMW and other companies to come to their State to create jobs for their citizens, high-wage, high-paying jobs.

You can look at one-half of the spectrum and say we have real problems. We are trying to find employment for every American. But they seem to ignore, they seem to ignore the fact that trade has brought jobs to this country, good jobs to communities that were desperately in need of those jobs.

This morning in a 1-minute, I was extraordinarily critical, rightfully so, of the Democratic candidate for the presidency. I am not allowed under House rules, I was admonished today, for using the name of a Senator, so most of us know who I am talking about.

But the word and phrase used yesterday on an open mike was that this administration is corrupt and is lying. That is the charge by the Democratic nominee for President about the sitting President of the United States of America. I called it this morning despicable and disgraceful, and I stick by that terminology, because that is the truth.

Now, look at who they are talking about. We are talking really about Iraq, because they keep using that as the reason they are calling this President a liar. They are saying Iraq is the reason he should be called these derisive terms, which I believe are disrespectful for any sitting chief executive President of the United States.

So what does that say ultimately, that we should not have done anything in Iraq, we should not have gone to Iraq, we should not have dealt with Iraq? That is their conclusion.

Well, today in the New York Times, "Saddam team skimmed billions in aid projects. Cash in suitcase."

In its final years in power, Saddam Hussein's government systemically extracted billions of dollars in kickbacks from companies doing business with Iraq, funneling most of the illicit funds through a network of foreign bank accounts in violation of the UN treaties.

Millions of Iraqis were struggling to survive on rations of food and medicine, yet the government's hidden slush funds were being fed by suppliers and oil traders from around the world, who sometimes lugged suitcases full of cash to ministry offices."

That is who they are defending. Saddam Hussein, who killed hundreds of thousands of his own citizens, we should not have gone there and interrupted his killing spree. We should not have done anything to stop the demonic leadership of Saddam Hussein.

I reject the comments, and I am entering the entirety in the RECORD, because I want people to be able to read in the RECORD what the New York Times discovered about the cash-skimming operations of this ugly regime.

Now, another article that I will enter in its entirety in the RECORD, because it talks again about an outside observer's view of this President, an outside observer. It happens to be Bill Sammon of the Washington Times. The headline, "Bush's Grand Strategy Overlooked by Liberal Historians."

"An influential Democratic historian has credited President Bush with instituting one of only three grand strategies in the history of the U.S. foreign policy, by trading in the doctrine of containment for preemption. John Lewis Gaddis of Yale said his fellow historians have not paid sufficient attention to the importance of Mr. Bush's sweeping overhaul of U.S. foreign policy because they are blinded by their liberal bias. He also accused former President Bill Clinton of failing to adequately address global threats that gathered on his watch," the World Trade Center first bombing, Khobar Towers, the two embassies, all during the watch of Clinton.

"The Bush team really did, in a moment of crisis, come up with a very important statement on grand strategy, which has not been taken as seriously as it should have been taken, particularly within the academic community.

"Mr. Gaddis writes that America's three grand strategies were instituted by Mr. Bush," this President Bush, "John Quincy Adams and Franklin Delano Roosevelt. All three strategies were prompted by rare, catastrophic attacks on America by foreign enemies."

He goes on to quote, "The Clinton administration was somewhat like the Harding and Coolidge administrations after World War I, Mr. Gaddis said. There was the sense that the war had been won, the fundamental processes in world politics were favorable to us, and therefore we could sit back and let them run. But these processes of globalization and self-determination during the Clinton administration did nothing to stop terrorists from using minimal resources to inflict massive death and destruction against the United States and its interests. The former President did not act decisively to head off a gathering threat."

I bring you to September 11. I bring you to the carnage of September 11 as

a result of our not being willing to take on any enemy.

□ 1415

Look at what has happened because of his leadership: Iraq. Look at North Korea turning over nuclear documents. Look at Libya surrendering nuclear hardware. Look at Pakistan and India, finally talking over Kashmir. These are the results of a determination by this President to root out terrorism.

I conclude by saying this, and this is important in context to this article. Mr. Gaddis, who describes himself as a very long-term disillusioned Democrat who still has hopes for the Democratic Party, disputed the liberal stereotype of the President as a lightweight. There certainly have been tendencies to underestimate President Bush himself and to view him in the way that Reagan was viewed when he first came in, as being a cipher, manipulated by his own advisers. That turned out not to be true of Reagan, and it is turning out not to be true of George Bush.

Mr. Speaker, I will at this time enter the entirety of this article into the RECORD, along with other documentation referred to earlier. I salute our President. I am proud of our President and proud to stand with him in Florida in the coming months.

[From the New York Times, Mar. 1, 2004]

SADDAM TEAM SKIMMED BILLIONS IN AID
PROJECT CASH IN SUITCASES/UN SANCTIONS
VIOLATED

(By Susan Sachs)

BAGHDAD.—In its final years in power, Saddam Hussein's government systematically extracted billions of dollars in kickbacks from companies doing business with Iraq, funneling most of the illicit funds through a network of foreign bank accounts in violation of United Nations sanctions.

Millions of Iraqis were struggling to survive on rations of food and medicine. Yet the government's hidden slush funds were being fed by suppliers and oil traders from around the world who sometimes lugged suitcases full of cash to ministry offices, said Iraqi officials who supervised the skimming operation.

The officials' accounts were enhanced by a trove of internal Iraqi government documents and financial records provided to The New York Times by members of the Iraqi Governing Council. Among the papers was secret correspondence from Saddam's top lieutenants setting up a formal mechanism to siphon cash from Iraq's business deals, an arrangement that went unnoticed by UN monitors.

Under a UN program begun in 1997, Iraq was permitted to sell its oil only to buy food and other humanitarian goods. The kickback order went out from Saddam's inner circle three years later, when limits on the amount of oil sales were lifted and Iraq's oil revenues reached \$10 billion a year.

In an Aug. 3, 2000, letter marked urgent and confidential, the Iraqi vice president, Taha Yassin Ramadan, informed government ministers that a high-command committee wanted extra revenues from the oil-for-food program. To that end, he wrote, all suppliers must be told to inflate their contracts by the biggest percentage possible and secretly transfer those amounts to Iraq's bank accounts in Jordan and the United Arab Emirates.

Iraq's sanctions-busting has long been an open secret. Two years ago, the U.S. General

Accounting Office estimated that oil smuggling had generated nearly \$900 million a year for Iraq. Oil companies had complained that Iraq was squeezing them for illegal surcharges, and Saddam's lavish spending on palaces and monuments provided more evidence of his access to unrestricted cash.

But the dimensions of the corruption have only lately become clear, from the newly available documents and from revelations by government officials who say they were too fearful to speak out before. They show the magnitude and organization of the payoff system, the complicity of the companies involved and the way Saddam bestowed contracts and gifts on those who praised him.

Perhaps the best measure of the corruption comes from a review of the \$8.7 billion in outstanding oil for food contracts by the provisional Iraqi government with UN help. It found that 70 percent of the suppliers had inflated their prices and agreed to pay a 10 percent kickback, in cash or by transfer to accounts in Jordanian, Lebanese and Syrian banks.

At that rate, Iraq would have collected as much as \$2.3 billion out of the \$32.6 billion worth of contracts it signed since mid-2000, when the kickback system began. And some companies were willing to pay even more than the standard 10 percent, according to Trade and Oil Ministry employees.

Iraq's suppliers included Russian factories, Arab trade brokers, European manufacturers and state-owned companies from China and the Middle East. Iraq generally refused to buy directly from U.S. companies, which in any case needed special licenses to trade legally with Iraq.

Iraq also created a variety of other, less lucrative, methods of extorting money from its oil customers. It raised more than \$228 million from illegal surcharges it imposed on companies that shipped Iraqi crude oil by sea after September 2000, according to an accounting prepared by the Iraqi Oil Ministry late last year. An additional \$540 million was collected in under-the-table surcharges on oil shipped across Iraq's land borders, the documents show.

A lot of it came in cash, recalled Shamkhi Faraj, who managed the Oil Ministry's finance department under the old government and is now general manager of the ministry's oil-marketing arm. I used to see people carrying it in briefcases and bringing it to the ministry.

UN overseers say they were unaware of the systematic skimming of oil-for-food revenues. In any case, they add, they were focused on running aid programs.

The director of the Office of Iraq Programs, Benon Sevan, declined to be interviewed about the oil-for-food program. In written responses to questions sent by e-mail, his office said he learned of the 10 percent kickback scheme from the occupation authority only after the end of major combat operations.

As the details of the corruption have recently emerged, law enforcement authorities in several countries said they had opened criminal and civil investigations into whether companies violated laws against transferring money to Iraq. Treasury Department investigators have also been helping the Iraqi authorities recover an estimated \$2 billion believed to be left in foreign accounts. So far, more than \$750 million has been found in foreign accounts and transferred back to Iraq, said Juan Zarate, a deputy assistant Treasury secretary.

To some officials of Iraq's provisional government, what is perhaps most insulting is how little their country got for its oil money. Taking stock of what was bought before the U.S.-led invasion toppled Saddam last spring, they have found piles of non-essential drugs, mismatched equipment and defective hospital machines.

You had cartels that were willing to pay kickbacks but would also bid up the price of goods, said Ali Allawai, a former World Bank official who is now interim Iraqi trade minister. You had rings involved in supplying shoddy goods. You had a system of payoffs to the bourgeoisie and royalty of nearby countries.

Everybody was feeding off the carcass of what was Iraq.

The UN Security Council first imposed a trade embargo on Iraq on Aug. 9, 1990, one week after Saddam's invasion of Kuwait. It has kept in place after the Gulf war in 1991, with the provision that sanctions would be lifted after Iraq destroyed its unconventional weapons and ended its weapons program.

But as living conditions deteriorated, the council made several offers to let Iraq export limited quantities of oil to buy food and medicine. The two sides agreed on a mechanism only in 1966.

In 1999, Iraq was permitted to sell as much oil as it wanted, with the proceeds going into an escrow account at Banque Nationale de Paris, supervised by the United Nations. The new rules also allowed Iraq to sign its own contracts for billions of dollars in imported goods.

As ministry officials and government documents portrayed it, the oil-for-food program quickly evolved into an open bazaar of payoffs, favoritism and kickbacks.

The kickback scheme worked, they said, because the payoffs could be included in otherwise legitimate supply contracts negotiated directly by the former government and then transferred to Iraq once the United Nations released funds to pay the suppliers.

We'd accept the low bid and say to the supplier, "Give us another 10 percent" said Faleh Khawaji, an Oil Ministry official who used to supervise the contracting for spare parts and maintenance equipment. "So that was added to the contract. If the bid was for \$1 million, for example, we would tell the supplier to make it \$1.1 million."

The contract would then be sent to the U.N. sanctions committee, which was supposed to review contracts with an eye only to preventing Iraq from acquiring items that might have military uses. The kickbacks were paid into Iraq's accounts, and designated ministry employees withdrew the cash and brought it to Baghdad on a regular basis, according to Khawaji and Iraqi financial records.

U.S. and European investigators said they were trying to determine whether the banks knew they were being used for illegal financial dealings with Iraq.

Under the oil-for-food program rules, the United Nations' oil overseers had to certify that Iraq was selling its crude oil at fair value. Until the overseers changed the pricing formula in late 2001, Iraq's oil sold at a discount compared with similar oil from other producers.

At the same time, Oil Ministry officials said, purchasers of Iraqi oil were required to pay a surcharge, either in cash or by transferring money into Iraqi accounts in foreign banks.

When oil companies complained to the United Nations about the per-barrel surcharges, Iraq levied higher charges on ships loading at its port.

When Dr. Khidr Abbas became Iraq's Interim minister of health 6 months ago, he discovered some of the effects of Saddam's political manipulation of the oil-for-food program.

After a review of the ministry's spending, he said, he canceled \$250 million worth of contracts with companies he believed were fronts for the former government or got contracts only because they were from countries friendly to Saddam.

[From the Washington Times, Mar. 11 2004]

BUSH'S "GRAND STRATEGY"—OVERLOOKED BY
LIBERAL HISTORIANS
(By Bill Sammon)

An influential Democratic historian has credited President Bush with instituting one of only three "grand strategies" in the history of U.S. foreign policy by trading in the doctrine of containment for pre-emption.

John Lewis Gaddis of Yale said his fellow historians have not paid sufficient attention to the importance of Mr. Bush's sweeping overhaul of U.S. foreign policy because they are blinded by their liberal bias.

He also accused former President Bill Clinton of failing to adequately address global threats that gathered on his watch.

"The Bush team really did, in a moment of crisis, come up with a very important statement on grand strategy, which has not been taken as seriously as it should have been taken, particularly within the academic community," Mr. Gaddis said in an interview.

The eminent Cold War historian makes his argument in the new book called "Surprise, Security and the American Experience," published by Harvard University Press, which has caught the attention of National Security Adviser Condoleezza Rice and other White House advisers.

It also has earned the derision of Sen. John Kerry's presidential campaign.

"There's nothing visionary about a reckless, arrogant and rigidly ideological foreign policy that's lost America influence and cooperation in the world to win the war on terror," said David Wade, a spokesman for the Massachusetts Democrat.

Mr. Gaddis writes that America's three grand strategies were instituted by Mr. Bush, John Quincy Adams and Franklin Delano Roosevelt. All three strategies were prompted by rare, catastrophic attacks on America by foreign enemies.

In 1814, after the British burned the White House, Adams, then secretary of state, resolved to secure America through pre-emptive continental expansion, a grand strategy that endured for a century.

After the Japanese attack on Pearl Harbor prompted the United States to lead the Allies to victory in World War II, Roosevelt and his successors as president went about securing America through a grand strategy that came to be known as containment of communism. But that strategy became obsolete when the Cold War ended shortly before Mr. Clinton took office.

"The Clinton administration was somewhat like the Harding and Coolidge administration after World War I," Mr. Gaddis said. "There was the sense that the war had been won, the fundamental processes in world politics were favorable to us, and therefore you could just kind of sit back and let them run."

But these processes of globalization and self-determination during the Clinton administration did nothing to stop terrorists from using minimal resources to inflict massive death and destruction against the United States and its interests.

The former president did not act decisively to head off this gathering threat, Mr. Gaddis said.

"It just seems to me that any good strategist would be unwise to sit back and assume that things are going our way," he said. "You ought to be thinking through how what appear to be favorable trends can produce backlashes."

Such a backlash occurred on September 11, 2001, necessitating a new grand strategy, which was implemented by Mr. Bush.

The strategy included pre-emptive attacks on enemies such as Iraq that had the poten-

tial to use weapons of mass destruction, an aggressive push to democratize the Middle East and an unwillingness to be constrained by international organizations such as the United Nations.

Although Mr. Gaddis faults the president for not gathering sufficient international support before the invasion of Iraq and underestimating the challenges of postwar Iraq, the professor supported Operation Iraqi Freedom.

Many other academics opposed the war, making them reluctant to credit the president for a change in U.S. foreign policy that could very well endure for the next half-century, Mr. Gaddis said.

"The academic world is of course predominantly liberal, predominately Democratic, so there is a predisposition to be less critical of a Democratic administration than there is a Republican administration," he said.

Mr. Gaddis, who described himself as a "very long-term, disillusioned Democrat who still has hope for the Democratic Party," disputed the liberal stereotype of the president as a lightweight.

"There certainly has been a tendency to underestimate Bush himself and to view him in the way that Reagan was viewed when he first came in—as being a cipher, manipulated by his own advisers," he added. "That turned out not to be true of Reagan, and it's turning out not to be true of Bush as well."

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. ISSA). The Chair would remind all Members not to make personally offensive references to Members of the Senate, even if not by name but by inference, including candidates for President.

WESTERN UNITED STATES STUDENTS ARE TREATED UNFAIRLY BECAUSE OF LARGE PORTIONS OF LAND OWNED BY FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I wish to present a situation to the body that is somewhat unique which we in the West will be talking about in greater detail and more frequently as time goes on. I feel competent in being able to address this issue, because before I joined this august body I spent 16 years in the Utah legislature as Speaker at the end; but all 16 years I was a member of the Public Education Finance Committee, or Appropriations Committee. I also, as I have frequently mentioned on this floor, served for 28 years as a high school teacher before I joined this group. Even though I recognize that money does not equal education excellence and we can do many things to improve our education system without money, at some time, we still have to build schools, and teachers at some time still have to eat.

So I wish to present before the body three factual phenomena of which my colleagues may not be aware. First of all, the fastest growth in the student

population happens to be in the States of the Mountain and Pacific time zones. Twelve of the 15 fastest growing States are in the West. In the West we have an average growth in our student population of 7 percent, where in the East, the average growth is a negative 2.6 percent. Ten of the 13 States with the highest teacher-student ratio are also in the West. And as the map that I am looking at right now shows, as far as growth in expenditures per pupil, 12 of the 15 slowest-growth States also happen to be in the West. The amount of money increased to public education for funding of students in the East was 57 percent. In the States of the West, it was half of that, at only a 27 percent rate.

Now, the question we should ask is, Why are these red States in here that are all encompassed in the West, why are they growing so slowly? It is not because we are not taxing our people. Indeed, the tax rate for both local and State governments in the West is actually higher than what it is in the East. It is not because we are not trying to present our portion of the budget for education. In my State of Utah, 42 percent of the budget goes to public education. If we add higher education, then it is up to almost 65 percent of the budget.

The reason for it is very simple, and it deals with this particular chart. What it means is that land and property tax driven by land propel local governments and school funding, and also income brought from property propels local government and school funding. The bottom line is, as we look at this map, the West land is taken from and controlled by the Federal Government. The blue areas within each of these States represent the portion of that State which is controlled by the Federal Government; and thus, the land is taken off the property tax rolls.

The State of Maine has a whopping .8 percent controlled by the Federal Government. New York has .3 percent. The large State of Texas, and it was smart when it became a State because they kept their own debt, but they also control their own land, only 1.5 percent is controlled by the Federal Government. But of the States in the West, every one of them has at least 25 percent of their land controlled by the Federal Government, and the States with over half of their land controlled by the Federal Government are, once again, all found in the West. The States of California and Arizona, Wyoming have 40 percent of their land controlled by the Federal Government. Oregon is 50 percent. Idaho and Alaska are 62 percent. My State is 65 percent, and 83 percent of Nevada is owned and controlled by the Federal Government and off the tax rolls. On average, 52 percent of the West is owned by the Federal Government compared to only 4 percent of the East.

Now, the bottom line for that means we simply do not have the resources to fund our education system accurately

and we are falling behind other States, and it is an unfortunate concept. There are several different ways in which that happens.

When these States were entered into the Union, there was an enabling act which provided for this unfairness to be rectified. That has yet to take place, as the Federal Government has changed its policies towards land, and we are now talking about an amount of land that has a value of close to \$14 trillion. Secondly, no property tax can be generated from those lands. If we average the acreage at merely \$500 per acre and compare that with the tax rate that this land could have generated, these Western States should have been generating \$4 billion, which could be used to fund education in the West.

Now, the Federal Government recognizes that because we have a program called PILT, Payment in Lieu of Taxes, in which the Federal Government will compensate Western States. The problem is, what happened in the year 2001, this land should have generated \$4.2 billion. The Federal Government compensated these States to the tune of \$165 million in the PILT program, and all of this money is going to governments that were local and, once again, not to education.

The bottom line, Mr. Speaker, as we will be talking about at some time in the future is students in the West should be afforded an equal, an equal education opportunity, and they are not. This land is controlled by all of us, and we are saying all of us should be paying for the benefit, because students in the West are still being disproportionately affected unfairly.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

(Mr. CHOCOLA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

(Mr. KUCINICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-173)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond March 15, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on March 14, 2003 (68 Fed. Reg. 12563).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sections against Iran to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, March 10, 2004.

HIGHLIGHTING UNSTEADY BUSH BUDGET POLICIES RELATING TO AFRICAN AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Mr. Speaker, I rise today to highlight the unsteady budget

policies of President Bush in regards to allocating Federal resources to African Americans and many working American families.

Yesterday, I was joined by the House minority leader, the gentlewoman from California (Ms. PELOSI), and my colleagues in the Congressional Black Caucus to issue a report that paints an accurate picture of how the Bush 2005 fiscal year budget will impact not just African American families but the majority of middle- and lower-income families. Our findings and those of others in the advocacy community reveal that the Bush budget ignores the very urgent challenges facing Americans across this great Nation. In fact, in the face of historic unemployment, President Bush seeks to cut, if not completely eliminate, critical education, health care, housing, and small business development programs that help families and employers survive during difficult economic times. Last Friday, the United States Department of Labor reported that not one, not one single private sector job was created during the month of February, and that the national unemployment rate remains at a staggering 5.6 percent.

This terrible news is particularly frightening for the African American community. The African American unemployment rate for February was 9.8 percent, almost double the national average. What is worse, since President Bush took office, the number of African Americans without jobs has increased by 20 percent. Sadly, Mr. Speaker, the outlook for the Bush 2005 budget is just as dismal as the Bush track record on job creation.

President Bush touts steady leadership, but his actions say otherwise. He once said that he would be a uniter, but his budget proposes to divide Americans by rewarding the wealthiest 1 percent of our population while leaving the rest of the American people behind. The Bush budget is bad news for the 8 million African American children enrolled in our national elementary and secondary schools. It is no secret that schools with high concentrations of low-income minority students spend significantly less per pupil than schools with fewer low-income students.

Instead of rising to the challenge, the President's budget underfunds his own No Child Left Behind legislation by over \$9 billion. Additionally, Mr. Speaker, the Bush budget cuts in half the funding for after-school programs that enable parents to educate their children and hold down jobs. If this Congress is truly committed to family values, we must support all families from birth through the golden years.

Mr. Speaker, I want to yield to another member of the Congressional Black Caucus as we come together to highlight the budget of President Bush and how it affects African Americans, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the chairman for his leadership on the budget issues.

Mr. Speaker, before we discuss what we cannot fund, we have to discuss a little bit about where we are in the budget. One cannot discuss these numbers without charts, because we hear rhetoric, and it is confusing. But when we see the numbers on the chart, we get an idea of where we are and how deep a hole we are in.

This is the on-budget deficit for years beginning with the Johnson administration through Nixon and Ford and Carter, Reagan and Bush, larger deficits; the green is the Clinton administration where we passed a budget in 1993 without a single Republican vote in the House, without a single Republican vote in the Senate, and were able to exercise fiscal responsibility, digging ourselves out of the deep hole and into a surplus. And this is an on-budget surplus, so that the Social Security and Medicare are temporary surpluses and are in a lockbox to be used for Social Security and Medicare in the future. We had a surplus.

When the Republicans came in after the 1994 elections, they passed significant tax cuts that President Clinton vetoed. They threatened to close down the government, as my colleagues will remember; and he vetoed them again. They closed down the government, and he still refused to sign those massive tax cuts because they were fiscally irresponsible. When President Bush came in after the 2000 elections, they passed those same tax cuts again, and we see how much damage has been done to the budget. Now, this is a net surplus in the budget, going down to almost \$700 billion, a total swing of approximately \$750 billion deterioration in our budget situation.

Let us put that into context: the entire revenue from the individual income tax, everybody's individual income tax, less than \$800 billion. We have seen a deterioration in the deficit, \$750 billion.

Now, this chart shows it another way: the percentage of the budget paid for with borrowed money. You see, this is World War II, you come through the years. The Clinton years, we went into significant surplus; and when this President Bush came in, we started spending, paying for more and more of our budget with borrowed money.

□ 1430

We are up now to over 30 percent, well over 30 percent of the budget, the Federal budget is paid for with borrowed money. And you will notice that that is a level we have not seen since World War II.

Now, we got there with tax cuts. It is interesting to know who got the tax cuts. This chart shows what the upper 20 percent, the next 20 percent, the middle 20 percent and the other 20 percentiles, how much of the tax cut they got. If you look at the top 20 percent and just look at the top 1 percent,

about half of the tax cuts have gone to the upper 1 percent of the taxpayers. To put it another way, you can look and see approximately what you got if you made more than a \$1 million on average you get about \$89,000 tax cuts. \$500,000 to \$1 million, you got about \$13,000. And on average as you get down to \$50,000 to \$75,000, you are getting about \$132. And below \$50,000 you hardly need any ink to draw the bar. Off the chart for millionaires, do not need ink to draw the bar for ordinary Americans.

Now, we were told we had to do that to create jobs. Let us see how many jobs have been created because we went so far in debt. We were willing to go so far in debt and give tax cuts to the wealthy, how many jobs were created? Well, we have lost, have not gained, we have lost almost 3 million jobs during this administration.

Now, we hear the great excuse: "9/11." Everything that goes wrong is because of 9/11. Because of 9/11 we lost jobs. But wait. Every 4 years back to Harry Truman, everybody has been gaining jobs, everybody has been able to end their term of office with more jobs than they came in with. President Eisenhower, in his second administration he lost about 200,000 jobs but he gained 1,900,000 in his first term to his net plus 1,700,000 jobs. Everybody else, every 4 years gained jobs.

If you want to blame 9/11, you ought to notice that this chart includes not just 9/11, but it also includes the Korean War and the Vietnam War, hostages in Iran, the Persian Gulf War from 12 years ago, the Cold War, Kosovo, Grenada, everything else, everybody is gaining jobs until the result of this fiscal irresponsibility has actually cost us jobs.

Now, when you run up this kind of debt, you have to pay interest on the national debt. This chart shows the interest on the national debt we expected to pay after President Clinton left office going down to zero because we were on target to paying off the entire national debt.

This red line is the interest on the national debt we are going to end up having to pay because of our fiscal irresponsibility. By 2009, the difference is almost \$300 billion. Now, let us put \$300 billion into perspective. At \$30,000 a piece, you can hire 10 million people with \$300 billion. 10 million. And it gets wider and wider as you go out.

This is an opportunity that we are going to lose because we are going to be \$300 billion less than we thought we were going to have when President Clinton left office.

We also have to recognize that the Social Security program will be a challenge. These red bars represent the fact that we are bringing in more Social Security funds than we are paying out. That is because we recognize that when the baby boomers retire, we will be paying out more than we are bringing in. And we need to build up the trust fund so that hopefully we can pay this as much as we can.

2017 it goes into deficit. We are now spending all of this Social Security surplus on the present budget. We are in deficit even after we have spent the Social Security and Medicare. The Medicare chart looks similar to this. We are spending the Social Security surplus.

Now, when you cross the 300 line, 2025, somewhere in there, when you cross the 300 line that is \$1,000 for every man, woman, and child including those on Social Security. Every man, woman, and child \$1,000. When you cross the 600 line, that is \$2,000 for every man, woman, and child just to make this, just to pay the Social Security shortfall.

Now, you may look at this and decide, well that is too challenging, we never could have paid it. It is just too much of a problem. But when you look back at this chart, we have been told that if you just look at what this administration wants to give to the top 1 percent, top 1 percent, that would have been enough to pay Social Security benefits without reducing benefits, without increasing the age for 75 years, or you can give the top 1 percent a tax cut.

Now, Mr. Greenspan told us that if you extend the tax cuts like it looks like this administration will propose, it has proposed, if we extend the tax cuts we should cut Social Security. Now, I think he used the word "adjust" Social Security. He is talking about increasing the age, reducing the COLA. I think most people, including the Republican officials, have categorized that as a cut. And I think most people would view that as a cut; they are going to be getting less than they would have if you had not made that adjustment. I would certainly call that a cut.

But he said if you extend the tax cuts, you have to cut Social Security. The GAO issued a report recently that showed that we are on track to disaster. A great political philosopher once said, "If you do not change directions, you may end up where you are headed."

Well, the GAO says that we are headed towards a situation in a few years, a couple of decades where the Social Security deficit and interest on the national debt alone will absorb all of the projected Federal revenues for those years. In other words, all of the revenues will be insufficient to pay just the Social Security shortfall and interest on the national debt. That is without Medicare, and Medicaid, and that is without any other Federal spending. Just the Social Security shortfall and interest on the national debt will absorb all of the Federal revenues.

Obviously, that is a direction we should not be going in. We need to change directions. And the reason we cannot fund many of the things that you mentioned that the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Black Caucus, mentioned is because we are using up the money in interest in the national debt.

We are having trouble funding police officers, 100,000 police officers. And we said we could with the \$300 billion additional interest on the national debt that we will be paying in just a few years, we could have hired 10 million people at \$30,000 apiece, 5 million at \$60,000 a piece, and we are having trouble trying to find funds to hire 100,000 police officers.

We cannot properly fund veterans benefits, education, health care. There are a lot of things we cannot do because it is all being absorbed by the interest on the national debt necessitated because we have put our budget in unprecedented deficit.

Now, the idea that we are going to get a promise that the deficit will be cut in half in 5 years is really insulting. We should be talking about how we get back up into surplus where we were when this administration came in. Instead of running up debt, we ought to be running up surpluses so we will be prepared to meet the challenges of Social Security.

At this rate, with all this red ink, we will be so far in debt that we will not have anything for Social Security. We will not have anything for Medicare. We will not have anything for jobs because we are paying interest on the red ink that we are running up. That is the problem that we have. And the additional problem that we have is that the tough choices that created this green ink, were tough choices, politically tough choices. And you can not make those tough choices until you have at least acknowledged a problem.

This administration refers to this graph and the deficit as "manageable." That is why we need a graph to show the people what we are talking about. This administration refers to this job graph by saying that the tax cuts are working. The tax cuts are not working. We have lost 3 million jobs. And so you need the graph to show specifically what we are talking about in this budget and how bad it is.

And, so, I would say to the chairman of the Congressional Black Caucus, I thank him for the opportunity to present the problem so that we can, as others participate, can talk about the things that we cannot fund because we have this situation where we are so far in the hole with a graph such as this. You cannot create a graph like this by accident. We are far in the hole, and we need to dig ourselves out so that we can make the important investments in education, in health care, in veterans benefits and the other important challenges that we have before us. And I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding.

Mr. CUMMINGS. Mr. Speaker, if the gentleman from Virginia (Mr. SCOTT) will yield for a second, I want to ask the gentlemen a few questions. They call this a jobless recovery. Would my colleague agree that there is a recovery?

Mr. SCOTT of Virginia. Mr. Speaker, this is the problem with using rhetoric

without using charts to show what we are talking about. You have indicated that some have looked at this chart and said we are in a recovery. Others have said the tax cuts are working. One looks at the chart, this is a miserable failure. We have lost 3 million jobs. I do not call that a recovery.

Now, if you go back 50 to 75 years, they blame a recession. The experts will say that this administration did not inherit a recession. The recession began on this administration's watch.

Whenever it started, it has been over by all accounts since the end of 2001. Since then, we have had all of 2002, and 2003 and we are into 2004. No recession from the beginning of any recession in the last 50 years, we have always within about 30 months recovered all of the jobs that were lost during the recession within about 30 months. Here we are almost 40 months after the beginning, whenever they say it started, it has been at least 40 months, we have not recovered the jobs yet.

This is the worst recovery we have had in modern history. That is not a recovery.

Mr. CUMMINGS. Mr. Speaker, there has been a question that has been raised over and over again, and, as a matter of fact, I think I just heard the President say this within the last few days, that one of the problems was 9/11, and that 9/11 caused us to go through some extra economic problems. And I was just wondering when my colleague takes a look at his charts, is he taking into consideration, when he talks about 40 years back, is he taking into consideration the fact that we had this very, very unique situation and regretful situation with 9/11?

Mr. SCOTT of Virginia. Mr. Speaker, when people talk about 9/11, they have to take into consideration that this chart goes back to Truman and Eisenhower, that includes the Korean War, it includes Kennedy, Johnson, Nixon, it included the Vietnam War, the Cold War, the hostages in Iran, Grenada, Somalia, Kosovo, the Persian Gulf War. All of those are on this chart. Everyone created jobs during their four-year administration.

□ 1445

President Clinton, 10 million jobs the first term, over 10 million both the first term and over 10 million jobs over the second term. Everyone has had problems. There have been recessions all the way up and down here. Everyone has been able to deal with adversity and create jobs. Until you get here.

Now, if the President had offered an economic plan that had been rejected, he might say that because you rejected my plan, if you had only adopted my plan, things would have been better. We adopted his plan. We passed, I did not vote for them, but Congress passed his plan. And it resulted in a massive deficit and job loss.

Mr. CUMMINGS. In other words, when you have the loss of jobs and you

have, in looking at the very end of your chart there, does that, how does that affect the overall economy?

Mr. SCOTT of Virginia. When you lose jobs, there are things that, first of all, I do not know how you can spend that kind of money. Right after 9/11, we appropriated \$40 billion. At \$40,000 each you could have hired a million people. I do not know how you end up losing jobs; 9/11 actually should have stimulated jobs, not lost jobs. The problem is that this administration does not look at money, financial responsibility, with anyone. They decided to do something. It does not matter how much it costs.

Just look at the war in Iraq. The Persian Gulf War 12 years ago cost the United States \$7.4 billion, 7.4. Now, the 60, 70, \$80 billion was the total cost; but because we had allies, total cost was \$7.4 billion.

When we appropriated \$87 billion a few months ago, we had already spent \$79 billion on the war. Total \$166 billion; 7.4, 166, just to implement the my-way-or-the-highway, go-it-alone strategy. Had we developed some allies so that someone else could help pay the money and absorb some of the casualties, it is not all our money and all our casualties, it would have been closer to the 7.4 than the 166.

Now, we are going, the estimates are about \$50 billion. The chairman of the Committee on the Budget has estimated about \$50 billion will be coming next year for Iraq, so that is another 50, 7.4, 166, 50 and who knows what after that.

Let us put the 166 in perspective. That is more money than we spent in a year on the Department of Homeland Security for the security of the United States; and the Department of Education, the entire Department of Education budget. Plus, it is still more than the Department of Transportation, all road-building we are supposed to be doing. And it is more than the Department of Labor and Department of State. Add them all up, combined.

Mr. CUMMINGS. Combined.

Mr. SCOTT of Virginia. Combined. Homeland Security, Education, Transportation, Department of Labor, Department of State, add them all up, it does not come to \$166 billion; 7.4, 166. How much do you have to spend before someone suggests that the spending is out of control?

Mr. CUMMINGS. One of the things that I remember when the President was considering going to war, one of the things that was asked of the President by the Congressional Black Caucus was exactly how were we going to pay for this war and exactly where was this money going to come from, because we have a limited situation. But I guess what you are saying is that what we are doing is we are overspending. I am trying to put it in laymen's terms.

Mr. SCOTT of Virginia. If you are going to spend \$166 billion and we

would be willing to spend whatever it takes to make the United States safe. We are now debating whether we are safer or not as a result of spending as a result of spending \$166 billion. It looks to me that there are a lot of other things you could have done with a \$166 billion budget that would have made America a lot safer than we are today.

But look at the red ink. I mean, when you start adding it up, there was not a peep mentioned about how we were going to pay it. No sacrifice. And, in fact, when you look at some of the things that the House passed right after 9/11 with most of the votes coming from the Republican side of the aisle, we passed one provision which was a repeal of the alternative minimum tax for corporations. That is kind of technical, but what we found about 15, 20 years ago was that a lot of corporations were paying out dividends year after year after year. They were profitable companies; but because they had so many loopholes and deductions, they were paying no income tax. And so they passed a provision many years ago called the alternative minimum tax for corporations. In the alternative for no tax, at least pay a minimum tax. And that has been a law right after 9/11 when everyone was supposed to be sacrificing. The House passed a provision to eliminate the alternative minimum tax for corporations.

They took that opportunity when everyone is supposed to be sacrificing to eliminate the alternative minimum tax for corporations. And while they were at it, they have made the repeal retroactive for 15 years. So if you had paid the alternative minimum tax in the last 15 years, you would get your money back. Several corporations would be getting a billion dollars back. Enron would get \$250 million.

Now, if you had a company and you got a billion dollars retroactive tax relief, an employee of that corporation would be no more likely to have a job the next day than the day before. That is not stimulating the economy. There is no more demand for your product. Now the uppity-ups in the corporation would be more likely to get their bonuses, the stockholders more likely to get their dividends. But an employee for the company, because there is no more demand for the product, is no more likely to have a job the next day than the day before. That is the kind of provision that this House passed.

Thankfully, there was a Democratic majority in the Senate at that time and that was defeated in the Senate. But when you talk about sacrifice and how do you pay for a \$166 billion war, well, you do not worry about it; you just let the next generation pay for it. You pay for it out of the next generation's Social Security. You borrow the money and worry about it later. That is not the fiscally responsible thing to do. It is not how you stimulate the economy. It is not how you produce jobs, and it is not what you ought to be doing to the next generations.

Mr. CUMMINGS. One last question. I will never forget when the President talked about the war in Iraq, when the President talked about the war on Iraq. I am sure you will recall one of the things that he said was that this war had been brought to us. I shall never forget it. I was sitting in this Chamber. And he said to us we need to take this responsibility so that our children and our grandchildren would not have to address it. And it sounds like what the gentleman is saying is that at least in part this war will have to be paid by our children and our grandchildren, at least, if not our great grandchildren because of the way things are going.

The other issue is this: one of the things we hear over and over again from the President is that he keeps talking about, saying that this side of the aisle wants to increase the taxes on Americans. And basically what he is saying is that if we do not extend and make these tax cuts permanent, that is like increasing taxes on Americans. That is a very interesting way to put it.

I just want to know what you thought.

Mr. SCOTT of Virginia. The idea that if we do nothing, that that is a tax increase. The important thing is not to worry about what the label is. The important thing is to look at this chart. The policies of this administration which have been pretty much adopted in total have resulted in a deterioration in the budget almost equivalent to the total amount of money that we get from the individual income taxes.

Mr. CUMMINGS. You said that is \$800 billion.

Mr. SCOTT of Virginia. The money we get from the individual income tax totals less than \$800 billion. We have a \$750 billion deterioration in this budget in just 3 years. And so whatever you call it, whatever label you put on it, look at the chart. This is called tax cuts are working, deficit is manageable, whatever you want to call it. Look at what this administration's policy resulted in.

Now, you talked about who is paying for it. Part of the war is being paid for by veterans benefits. We are debating now as to whether or not we are going to at least maintain present services.

Mr. CUMMINGS. To veterans.

Mr. SCOTT of Virginia. For veterans.

The President's budget does not include enough money to maintain just the little present benefits for veterans. They want some veterans to pay more fees for health services, some not to be eligible, less services, while the war is being fought. So the veterans themselves will have to come back and pay the interest on the debt on the war that they fought in. That is not right.

We are not able to fund the kind of things like Cops on the Beat. Now remember, in just 5 years we will be spending approximately \$300 billion more in interest on the national debt than we should have had to pay. You can hire at \$30,000 a piece, 10 million

people for that amount of money or 5 million at \$60,000. We are trying to find a little money to hire 100,000 police officers, to hire teachers, health care workers; and we cannot find the money because it is all being used up in interest on the national debt that is run up because you have to pay interest on the national debt since you are obviously not paying off any debt while you are in the hole. You only pay off debt when you are above the line. When you are in the hole, you are running up more debt, you have to pay more interest on the national debt.

We cannot pay for our transportation projects. There are so many things that we cannot do because we are running up so much interest on the national debt. And remember that we have the exploding Social Security problem in just a few years. We ought to be preparing for that, not wake up in 2014 and wonder why the Social Security surplus is no longer there. It is not going to be there after 2014. We are going to have to come up with more money. We will not have the gravy train of 100-some billion dollars or go up to \$275 billion in Social Security surplus to run through.

It is a growing deficit, and there is no provision in the President's budget or the Committee on the Budget's budget that we are about to, that they will probably adopt; there is nothing in there to prepare us for the Social Security shortfall and the interest on the national debt.

The GAO just issued a report in the last few days that shows if we keep going in the direction we are going, in just a couple of decades the Social Security shortfall and interest on the national debt will absorb all Federal revenues. That means no Medicaid, no Medicare, no Federal spending on anything including defense. You spend all your money just in Social Security and interest on the national debt unless there is a profound change in direction.

Mr. CUMMINGS. What change could reverse that?

Mr. SCOTT of Virginia. Well, you need to make tough choices; and, fundamentally, the strategy ought to be the green.

In 1993 when President Clinton came in, we made tough choices. He vetoed bills that were inconsistent with his tough choices and we went into surplus. These are tough choices. This was the strategy that created fiscal responsibility and 20 million jobs in 8 years. Fiscal irresponsibility is when you start passing massive tax cuts without paying for them, just borrow the money for the tax cuts. Some say we are giving you your money back. No, no, no, no, no. We have spent your money. We are sending back money we have borrowed from overseas and giving it back because we spent your money.

□ 1500

We spend your money and everybody else's money and Social Security and

everything else, a deterioration in the budget, \$750 billion, almost the same as the total amount that we received from the individual income tax.

Mr. CUMMINGS. I want to thank the gentleman for the explanation and for his excellent work on the budget.

Mr. Speaker, the Bush budget eliminates all kinds of programs, as the gentleman from Virginia (Mr. SCOTT) just talked about. There is one program that eliminates and that is the Even Start program. A lot of times, Mr. Speaker, we look at the numbers in a budget and we look at them purely based upon figures; but the impact on human beings and citizens and children in our country is phenomenal.

For example, this Even Start program is meant to uplift children and families through a combination of childhood education and adult literacy programs. That is very important; and when the gentleman from Virginia (Mr. SCOTT) talked about the whole jobless situation, it is one thing to have opportunities at some point in the future, hopefully. It is another thing for those parents of those children to be prepared to take advantage of those jobs and for them to be able to raise their family. It takes money to raise a family.

Then the Bush budget freezes funding for Head Start, which provides education and nutrition service for over 297,000 African American children, very, very significant. How do you even put a value on a child being able to get a head start in life and in school and to be able to go to school ready?

When we look at health care, the picture gets even worse. The Bush budget does absolutely nothing to hold down the costs of prescription drugs. It jeopardizes medical benefits for the 4.6 million African American children who receive health care through Medicaid, and it severely underfunds programs that combat the spread of HIV/AIDS and the increase of health disparities among minority communities.

These are things that go to the essence of life; and I have often said as we talk about the budget and other issues that the Congressional Black Caucus, as we do that, we are not just speaking for African Americans. A lot of people get a little bit confused. They see African American Congresspeople stand up, and they assume that in all our districts the majority of people are African American. That is just simply not true. We represent a wide range of people of all races and colors, religions in our caucus, and so over 26 million people in total.

But those costs that I just talked about, those are the costs, I guess, like I said, you cannot put a value on making sure that a child is well taken care of because it used to be a commercial that said you either pay me now or pay me later. If you do not give that child a good head start in life, then government, through State government in most instances, will pay later on through, unfortunately, juvenile deten-

tion centers, sometimes prisons, sometimes all kinds of programs, teenage pregnancy programs, things of that nature, to help lift people up after they have fallen.

Mr. SCOTT of Virginia. Mr. Speaker, the President's budget eliminates funding for the juvenile justice programs, the prevention programs, the early intervention programs, the kinds of things that you can pay now and pay less later. He had to cut those out because having spent all the money in tax cuts and having gone so far in debt, there is nothing left over for those important programs; and you are talking about hundreds of millions of dollars. This is hundreds of billions of dollars that we are in deficit, and we cannot make the little kinds of payments.

My colleague talked about jobs. The small business program which is just less than \$100 million, that is one-tenth of \$1 billion. Here we are almost \$700 billion in the hole, one-tenth of \$1 billion, and that program creates jobs. The only thing the government has to pay out is when the loan defaults because it is a loan guarantee program. So just for every now and then there is a default we have to pay. For every 2 or \$3,000 we pay out, we are creating a job because tens and hundreds of thousands of dollars has been borrowed, guaranteed, paid back. So we do not have to pay anything. For every 2 or \$3,000 we actually have to pay out, we have created a job.

When you start going in the hole hundreds of billions of dollars and have a program that can create jobs for 2 or \$3,000 a piece, why did that get cut out? Because you just ran so far in debt that you did not have any money left over.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT).

I want to yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for his leadership on this issue and the gentleman from Virginia (Mr. SCOTT).

I am joining my colleagues because I see now that the President's budget is cutting about 20-plus programs, and those programs are critical to our districts. And you are absolutely right, our districts do not comprise all African Americans. We are talking about Cambodians, Filipinos, Samoans, Vietnamese, Guamanians; and they are all concerned about the loss of jobs.

In L.A. County alone, which is the largest county in California, we have lost over 136,000 jobs. In the State of California, we have lost over 300,000 jobs. No State, no city, no county can be sustained with those types of job losses; and so this budget is absolutely the most outrageous budget I have ever had to deal with because it has no funding in there for No Child Left Behind to any great degree. We know the last budget was \$8 billion short. I think now it is \$9 billion short; and so here

we are trying to grapple with educating our children, some 53-plus million children in this country. California has over 6 million, and we do not have the funding to do that.

I think it has just gone off the chart, and so I thank the gentleman for allowing me to come and speak on this because I have never seen a budget that is so ill-fated, that has absolutely nothing to speak to the American people, when we have 11 million children who are uninsured, and over 44 million adults, and this budget does not speak to insuring them. It is an atrocity, and so I join you in saying this administration's budget is a hoax; it is not for the American people. It is everything but for the American people.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for her statement; and I am just reminded, I think it was just yesterday the President went to Ohio. He stood there in front of quite a few people, and he said, basically, hold on, hold out; I am the one that gave you these tax cuts. Basically what he said, I still believe in this trickle-down theory and that things are going to get better.

The fact is that the President has been saying that over and over again. As a matter of fact, a little bit earlier this year, in his economic report, he projected that he would be producing some 2.6 million jobs before the end of the year.

Mr. SCOTT of Virginia. Mr. Speaker, if the gentleman would yield, I think they have been revising that number back and forth, but whatever the projections are, let us look at the results. No President has left office in over 50 years with fewer jobs than they started off with until this administration. We are down 3 million jobs; and if you are interested in jobs, remember that in just a few years we will be spending \$300 billion on additional interest on the national debt that had not been anticipated when President Clinton left office, \$300 billion dollar. At \$30,000 each, you can hire 10 million people. There are only 9 million people unemployed and receiving unemployment in America today. Instead of an unemployment check, you have enough money there in additional interest on the national debt that we should not have to pay to hire everybody that is drawing an unemployment check.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentlewoman.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the gentleman and I sit on the Committee on Transportation and Infrastructure. That bill alone would bring the types of jobs for folks that have good wages and good benefits, and yet we have asked for over \$375 billion for that bill. He has now cut that bill down to some \$258 billion. How can we get Americans back to work if we are not going to put the type of funding in programs and on bills to support that?

So we are just outraged. It is outrageous to even speak of the fact that they are going to have so many jobs

per month, because that growth is not coming.

Mr. SCOTT of Virginia. On those transportation jobs, is there not something unique about those jobs? We keep talking about transferring jobs overseas. When you have a transportation-created job, where does that work take place?

Ms. MILLENDER-MCDONALD. That work takes place right here in America, in the heartlands, in the rural, in the urban areas of our cities and States; and this is why, if the President is really interested in getting jobs to the American people, he would invest in this transportation bill that will keep those jobs right here. They are great construction jobs. There are other suppliers jobs that come from that, and it is a multiplying effect. So if you get those jobs, those jobs create other jobs and, therefore, will bring back a lot of those jobs; but if he is not willing to invest the \$375 billion in a transportation bill, then he is not really anxious about getting jobs back to Americans.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, let me just say this. As my colleagues were talking, I could not help but think about how the President talks.

Could we bring that chart back up, the first one. The President talks so much about that. It is the one that talks about the tax cuts, I mean how much money people get.

Mr. SCOTT of Virginia. This?

Mr. CUMMINGS. You had one with red, that one.

Mr. SCOTT of Virginia. This is if you are making 50 to \$75,000, you are on average, the average income group, \$132. Below that you hardly need any ink to draw the bar. However, if you are making more than \$1 million, you explode way off the chart.

Mr. CUMMINGS. The reason why I wanted to point that chart out is because something interesting is happening here, and we are seeing it in all of our States.

The tuition, for example, in Morgan State University in my district, I sit on the Board of Regents, has gone up some 25, 30 percent. The average family at Morgan State has an income around about \$50,000, \$55,000. So about how much would they be getting based upon that chart in tax cuts?

Mr. SCOTT of Virginia. Fifty to \$75,000: \$132. Now there are a lot of different variations in that, depending on the child tax credit. If you have a lot of children, you may get more tax credit. If you are single, you may not get anything at all. On average, 50 to \$75,000, you are getting \$132 a year.

Mr. CUMMINGS. Let us take it up to \$500. I will give them an extra \$500 instead of \$132. The tuition has gone up almost that much, and Pell grants are being leveled off; and we have got a situation where like other States we suffered a deficit. The State is not getting as much money so, therefore, the State's going through its difficulties.

So now our colleges are not getting as much money.

My point is that Americans have to understand that no matter what they are going to pay, they are going to pay one way or another. Property taxes are going up, but yet and still our President runs around talking about how great a tax cut we are getting when, in fact, I think Americans are going backwards and services are being less than they have to be. It is the only way that you can do all of this and still keep institutions open.

Mr. SCOTT of Virginia. Mr. Speaker, the problem is that unless you recognize that there is a problem you are not going to come make the tough choices to fix it. Most people would glance at this chart and say we have a problem. This administration says that this is manageable, and on the job chart where he looks like he will be the first one to leave office with fewer jobs than he started off with, the tax cuts are working. No, the tax cuts are not working. We are losing jobs. If we passed the transportation bill, millions of jobs would be created.

This will go above the line. Pass the transportation bill. There are a lot of things we can do to stimulate jobs. Tax cuts to the wealthy have not worked. Transportation jobs will work. Tax cuts to those in the lower end, who will actually spend it and buy stuff with it, will work.

A millionaire, if he wants a television, he would have already bought a television. If he wants a car, he would have already bought a car. Someone in the lower brackets, if they get a couple hundred extra dollars, they are going to spend the money.

So there are a lot of things. Repealing the alternative minimum tax for corporations, we discussed, will not create any jobs; but that is how we were trying to spend the money, and that is why, as a result of all that spending, it still ended up no jobs. If you look at the study of the Republican-dominated Joint Committee on Taxation, when they looked at the 2003 and looked at tax cuts and looked at the taxes that were cut, they concluded you might have a little short-term spike in jobs. As a direct result of passing that bill, you will have fewer jobs in the fullness of time than you started off with, and that is because you did it with borrowed money. There was limited stimulus, and because you have got to pay interest on it, on the debt that you ran up in the fullness of time and just a few years as a direct result of passing the bill, you will have fewer jobs than you started off with.

We should not be surprised because of the taxes we cut that we are below the line. Had we used the money for transportation, for targeted tax cuts where they would have made a difference to help fund States or other programs, where we actually use the money in such a way that people will be hired, with all the spending, this thing ought to be off the chart. The budget has deteriorated \$750 billion, almost the same

as what we get from the entire individual income tax. With that kind of spending, it should have been able to create some jobs.

□ 1515

Ms. MILLENDER-MCDONALD. Mr. Speaker, if the gentleman will yield once again. The other thing that would create the climate for jobs would be small businesses. And yet here at the end of last year, the 7(a) loan program, which is really the driving force for financing for small businesses was absolutely turned out. No money in it. It was eliminated. But because we raised so much havoc on it, they have brought that back, but with fewer dollars. So we still do not have the infusion of money for this powerful engine that drives the economy through job creation, which are the small businesses.

So, again, the President is not operating in the true sense of helping Americans to get back to work.

Mr. CUMMINGS. Mr. Speaker, again, the Congressional Black Caucus stands up, as we have over and over again. It is said that we are the conscience of the Congress. I claim we are the conscience of the United States of America.

The fact is that President Bush is doing no favors for not only the African American community but communities throughout this country; for hardworking Americans who got up early this morning, some of whom had a job, but for others who are about to lose their job, and still others, Mr. Speaker, who do not have to go to work because they have already lost their job. I just find it very interesting that the President would go to Ohio, a State where there has been phenomenal job loss, and tell people who do not have a paycheck to hold on and hold out.

CONDOLENCES TO TERRORIST VICTIMS IN SPAIN; AND PUBLIC TRANSPORTATION SYSTEMS VULNERABILITY AND REDUCTION ACT OF 2003

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to offer my condolences to the families of the terrorist victims in Madrid, Spain.

This heinous act of violence is becoming all too common an occurrence. This morning, as we are all painfully aware, a series of explosions ripped through several packed commuter trains in Madrid during the morning rush hour. The blast killed at least 173 people and wounded 600.

Last month, in an all too familiar circumstance in Moscow, a bomb exploded inside a crowded subway train during the morning rush hour, killing at least 39 people and wounding more than 130.

Securing our Nation's public transportation system has been a top priority of mine. At the outset of the 108th Congress, I introduced the Public Transportation Systems Vulnerability and Reduction Act of 2003, which is H.R. 1148. For years, Mr. Speaker, governments around the world have recognized that public transportation is a major terrorist target. Until 9-11, the United States had been largely spared the kinds of terrorist campaigns waged against public service transportation. However, we cannot wait for a tragedy to happen to prompt us to address our vulnerabilities.

In October 2001, a study released by the Mineta Institute, Protecting Public Surface Transportation Against Terrorism and Serious Crime: An Executive Overview, cites that between 1920 and 2000, there have been approximately 900 terrorist attacks and other significant criminal incidents involving public surface transportation systems. However, all but 14 of these attacks occurred after 1970, the year that marks the beginning of modern terrorism.

Attacks against transportation and transportation infrastructures accounted for about 42 percent of all international terrorist attacks according to the most recent statistics provided by the U.S. DOT Office of Intelligence and Security in 1998. We are seeing these statistics play out before our eyes on CNN.

My legislation, the Public Transportation Systems Vulnerability and Reduction Act of 2003, will provide our Nation's transportation systems and workers with the training and funding to help protect our homeland. This legislation will provide funding for ongoing vulnerability assessments which would build continuously on information collected, allowing for easier implementation of new technology that will assist in averting terrorist attacks on all modes of public transportation. It will have training programs for front-line transit employees, ensuring that these employees, who are the eyes and ears of transportation systems, are prepared to respond to emergency situations. And it will develop and have implementation of local and regional emergency preparedness plans that fully utilize a community's transportation resources.

Mr. Speaker, I ask all my colleagues to join me in continuing to work to give our Nation's transportation systems and employees the resources to protect our communities. I urge my colleagues to support the Public Transportation Systems Vulnerability and Reduction Act of 2003.

Mr. HOEKSTRA. Mr. Speaker, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I want to thank the gentlewoman for yielding, because I want to identify with the remarks she made starting off her 5-minute speech. I was going to start my

special order in the same way, recognizing and extending our sympathy to the families of the victims in Spain.

It was only a short period ago that the prime minister from Spain was here, and last summer I had the opportunity to visit in Spain with the prime minister, along with the Speaker of our House, to express our appreciation to our colleagues in Spain who have been very involved in the war on terrorism. And so I thank the gentlewoman for bringing that to the attention of our colleagues here in the House.

I will also take a look at the legislation that the gentlewoman has authored, recognizing that the war on terrorism is a real war.

Ms. MILLENDER-MCDONALD. Reclaiming my time, Mr. Speaker, I thank the distinguished gentleman for his interest.

IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, today, I am joined in this special order by my colleague, the gentleman from Indiana (Mr. PENCE). As my colleague from California just indicated, we come to the floor of the House recognizing the tragedy of the terrorist attacks in Spain. We are not quite sure who was responsible, but we know there was a significant loss of life.

We know that Spain has been an ally in the war on terrorism. Their soldiers have fought with our troops in Iraq. Their prime minister was here a couple of months ago indicating their strong support and their partnership, whether it was al-Qaeda, whether it was domestic terrorism, or whatever.

But we join in expressing our sympathy to the government and the people of Spain for the loss that they suffered today and reaffirm our commitment to the people of Spain that we will continue to work and fight with them in this war on terrorism that in so many different ways has reared its ugly head not only in Spain, the United States, but in Africa, in Saudi Arabia, and with the USS *Cole* and a number of other attacks throughout the world.

Today, we want to talk a little bit about the situation that has gone on in Iraq and kind of put that in context. We have recognized this war on terrorism. We have recognized the threats from Saddam Hussein and others for a long period of time. It was back in 1992 that Senator Gore was talking about what a threat Saddam Hussein and Iraq was.

Here is a quote from a speech he gave in 1992. Senator Al Gore: "He," meaning Saddam Hussein, "had already launched poison gas attacks repeatedly, and Bush looked the other way. He had already conducted extensive terrorism activities, and Bush looked

the other way. He was already deeply involved in the efforts to obtain nuclear weapons and other weapons of mass destruction. Bush knew it, but he looked the other way. Well, in my view," and the "my" was Senator Gore, "the Bush administration was acting in a manner directly opposite to what you would expect with all the evidence it had available to it at the time. Saddam Hussein's nature and intentions were perfectly visible."

Already in 1992, Senator Gore had identified Saddam Hussein and Iraq as a threat to American Security and to the security of the Middle East and as a danger to his own people. And I think that goes on to President Clinton, who, during the 1990s, identified Saddam Hussein and Iraq as a threat. And I think my colleague from Indiana may have some of the statements that President Clinton was making.

This is not to say what should or not have been in the 1990s, this is saying that through the last 10 to 15 years we knew Saddam was a threat.

Mr. Speaker, I yield to my colleague from Indiana.

Mr. PENCE. Mr. Speaker, I thank the gentleman for hosting this special order. And having just returned from Iraq, it is particularly meaningful to me to acknowledge the gentleman's leadership in this Congress in traveling to Iraq since the end of hostilities more, I think, than any other Member of Congress; and having just learned what that has meant to our troops and what that has meant to the people in the transition process at the coalition authority, I want to thank him for that.

There is no question this issue of weapons of mass destruction, which has become such a political football in America today, represents some form of an intelligence failure, if by that we recognize that we have not found the vials of chemical and biological weapons. But it is absolutely imperative, as the gentleman suggests, to know that if it was an intelligence failure, it was a world intelligence failure and it was an intelligence conclusion that was drawn by at least two previous administrations.

I cite in evidence the remarks of President Bill Clinton on February 17, 1998. Again, these are the words of the President of the United States about what official U.S. policy was relative to the possession of weapons of mass destruction by the regime of Saddam Hussein.

President Clinton said, "And they," referring to predators of the 21st century, "they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them." President Clinton went on to say, "We simply cannot allow that to happen. There should be no doubt," President Bill Clinton said, "There should be no doubt Saddam's ability to produce and deliver weapons of mass destruction poses a grave threat to the peace of

that region and the security of the world."

President Clinton went on to say, "There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region," and he went on to describe Iraq as, "a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists who have traveled the world. If we fail to respond today to Saddam Hussein, he will be emboldened tomorrow by the knowledge that he can act with impunity."

These are the words of the 42nd President of the United States of America, William Jefferson Clinton, about the conclusions of the Intelligence Community and his personal conclusions as our Commander-in-Chief that Iraq did possess biological and chemical weapons in the year 1998.

□ 1530

Mr. HOEKSTRA. Mr. Speaker, what we know is through the 1990s, there was a consensus that there was a war on terrorism that was being fought, that there were issues dealing with Iraq and dealing with Saddam Hussein. It was not only the President; it was the Clinton administration. Madeleine Albright said "Hussein's weapons will not discriminate if and when they are used, and therefore it is important for the region to understand that he is a threat."

In September 1998 she said, "Our adversaries are likely to avoid traditional battlefield situations because there American dominance is well-established. We must be concerned instead about weapons of mass destruction and by the cowardly instruments of sabotage and hidden bombs. These unconventional threats endanger not only our Armed Forces, but all Americans and America's friends everywhere." That is September 9, 1998.

So the threat of weapons of mass destruction, but most importantly the larger threat not specifically identifying what terrorist organizations would use, but recognizing the emergence of a different kind of threat to American, to Western Europe as the Cold War collapsed of unconventional threats that would endanger not military folks, but that would target civilians.

Mr. PENCE. Mr. Speaker, on February 18, completely consistent with Secretary Albright's remarks, "In the next century the community of nations will see more and more of the very kind of threat Iraq poses now." In describing it, President Clinton said, "A rogue state with weapons of mass destruction ready to use them or provide them to terrorists."

Mr. HOEKSTRA. Mr. Speaker, I think the quotes go well on to other folks in 2000. So this is a continuing story of intelligence. As we move through this process, on a bipartisan basis, this is what we believed the threat was to the United States. One of

the things that we are going to focus on here today, not what we think about here in Washington, when we put this in context, we will talk about the threat that Saddam Hussein was, not to America, not to the Middle East, but most importantly to his own people.

Mr. PENCE. Mr. Speaker, to that end, and I am anxious to get to that conversation, I have to tell my colleague that the search for weapons of mass destruction found for the Iraqis that I spoke to in Basra, it found its locus the day Saddam Hussein was captured by American troops. This is a man who, according to former prisoners of war, he and his regime were responsible for the death by incarceration or other means of 1.2 to 1.3 million of their countrymen. According to Amnesty International, we have identified the remains thus far in 270 mass graves of 400,000 men, women, boys, and girls in the mass graves of Saddam Hussein.

But the weapons-of-mass-destruction issue is an issue, and the gentleman from Michigan (Mr. HOEKSTRA) is right to address it in the beginning inasmuch as it is in the mind of the American people. But none other than Senator DASCHLE, who has been the majority leader of the Senate in recent years, but at the time in 1998 and President Clinton's decision to fire cruise missiles and attack Iraq was minority leader, Senator DASCHLE said, "We are here today to affirm that we and the American people stand with the President and the international community in an effort to end Iraq's weapons of mass destruction programs and preserve our vital and international interests."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair reminds Members not to refer to individual Members of the other body.

Mr. PENCE. Mr. Speaker, there is no question whatsoever that the position of the administration and others in America supported the conclusion that the intelligence community, not just of the Bush administration, but of the administration that preceded it came to a singular conclusion: that Iraq was in possession of weapons of mass destruction.

I am always anxious to remind my constituents in eastern Indiana that the reason we know Saddam Hussein possessed weapons of mass destruction was because he used them. He used them on his own people. He used them to kill thousands in Kurdistan in the early 1990s in the immediate aftermath of the first Persian Gulf War. We are told by eyewitness accounts of men, women and children running in the middle of the night out of their bedrooms, out into the streets, grabbing their throats as they were asphyxiated by mustard gas or some other chemical agent and killed in the streets and towns of Kurdistan. Chemical weapons were used against his own people. It is not a subject of theoretical analysis or

intelligence analysis; but as the gentleman from Michigan knows, it is a matter of historical fact and record that Saddam Hussein in the early 1990s possessed and used chemical weapons against his own population.

What became of them in the days immediately prior to Operation Iraqi Freedom, we will continue to investigate. I traveled by the site of the Iraqi survey group in Baghdad just 1 week ago, and I know in meeting with the intelligence community there that that search goes on. And as we continue to bring Iraq forward in the family of nations, and as the people of Iraq, I believe, become more confident in their own future and in the end of the dark days of Iraq and the regime and the thugs that preceded this new Iraqi Governing Council and this new government, more people will speak and more daylight will shine, and we will eventually find out what became of this program and its horrendously dangerous by-products.

Mr. HOEKSTRA. Mr. Speaker, during much of the 1990s this was done on a bipartisan basis, which is maybe different than what we see today; but here is Vice President Gore talking on May 23, 2000: "The classic challenges of war and peace, of course, extend beyond Israel's immediate neighborhoods to Iraq and Iran. In 1991, I broke with many in my own party and voted to use force to stop Saddam Hussein's aggression in the Middle East. I believe in bipartisanship most of all when our national interests are at stake." Going on, he wants to build bipartisan bridges to bring Democrats and Republicans together in support of policies that would promote what is in our Nation's best interest.

As my colleague has gone through and read some of the quotes, there was a bipartisan understanding about Iraq and the threat that it posed. Here again is Al Gore, the Vice President, in May of 2000: "Despite our swift victory and our efforts since, there is no doubt in my mind that Saddam Hussein still seeks to amass weapons of mass destruction. You know as well as I do that as long as Saddam Hussein stays in power, there can be no comprehensive peace for the people of Israel or the people of the Middle East."

Mr. PENCE. Mr. Speaker, a very moving part of my trip to Baghdad was our meetings at the headquarters of the Coalition Provisional Authority at Saddam Hussein's palace.

Mr. HOEKSTRA. One of many palaces.

Mr. PENCE. One of 100. It was the size of three or four resorts in Florida and twice as opulent. But across the street, there is a bunker underground hidden underneath what appears to be a garbage dump or a broken and destroyed building. It was three stories underground. It was one of those sophisticated bunkers we hear about; but what was most provocative to me was to learn that in that bunker was an enormous financial investment in a

ventilation system which was designed as a countermeasure to the distribution of chemical or biological weapons. There was a decontamination room to essentially remove chemical or biological agents that were on a person before they could enter the bunker itself.

For a regime that, according to some of the administration's critics, never had weapons of mass destruction, Saddam Hussein's own bunker, literally down the street from his primary palace, had an enormous multi-million dollar investment to protect him from weapons that he apparently did not possess.

Mr. HOEKSTRA. Right. And we knew that he used these weapons, and so he had them at one time. The interesting thing about what Vice President Gore said in May of 2000, "We have made it clear that it is our policy to see Saddam Hussein gone," that became the official policy of the United States, was to remove Saddam Hussein, not only because of the weapons of mass destruction, but because of the threat that he posed to his own people, to the Middle East, and to the rest of the world.

We can go on and there are lots of quotes by other folks who have talked about that. This morning we had the opportunity to meet with Dr. Kay again, the original head of the Iraqi survey group, taking a look at exactly what was going on in Iraq. He has said, and I tend to agree with him after having met with him a number of times and after having gone to Iraq, we may not find the weapons of mass destruction. They may actually not be there. But what he has said is take a look at what was going on. He was developing the capability to go into quick production of weapons of mass destruction. He said I am not going to inventory this stuff, but as soon as the U.N. inspectors are gone, as soon as the sanctions are lifted, I will have the capability that 3 to 6 months I will be able to produce all of the chemical or biological weapons I need, so why store them. Get rid of the inspectors, develop the capability under what appear to be legitimate purposes; but they are dual-use capabilities. I will use them to make this, but just with the flip of a switch and fine-tuning, I can use those to make weapons of mass destruction. We know that he was developing those capabilities.

There is evidence that he was doing human testing to fine-tune the capabilities that he would have and the weapons and products that he would eventually produce. We know that he was doing research on UAVs, unmanned aerial vehicles, potentially to be the means for delivering weapons of mass destruction.

We know that he was developing a missile capability well beyond the authorized levels that had been established by the U.N. So in all of these areas, he was either moving his program forward secretly or moving them beyond what the U.N. sanctions had

said. So there is no doubt, and that is the message through the 1990s.

We are not sure exactly what was there because it was a very secretive society. He was very good at deceiving others when we were trying to penetrate into what was going on in Iraq. But there is no doubt about what his plans and intentions were. This is why Dr. Kay will say we may not have found exactly what we were expecting to find when we got into Iraq; but what we found was as dangerous, if not more dangerous, than what we had anticipated that we would find.

Mr. PENCE. Mr. Speaker, if the gentleman would yield, I think that the statement that the gentleman just made is extremely important. I think that statement should be highlighted and underscored and chiseled in a place where every American can read it.

As he said again here on Capitol Hill, Dr. David Kay, weapons inspector who led the original effort after the war with the Iraqi survey group, he said what he found was more dangerous than what they believed would be there. In terms of the establishment of a diverse program of chemical and biological weapons, as the gentleman has with great particularity described, was prepared in the event of the strictures being lifted, was prepared to produce large amounts of these types of weapons.

Of course we found the nose cones on missiles hollowed out just for the size of an inclusion of a vial of certain types of agents that would have no other reason to be hollowed out as a warhead in that way. We found these munitions in large numbers. But David Kay said that what we found was in many respects more dangerous than what we expected to find.

Mr. HOEKSTRA. Mr. Speaker, I think it is a very valuable debate to have here in the United States about what did we find versus what we expected to find; and that will force us to seriously look at our intelligence capabilities, what do we need to do to improve our intelligence capabilities to give us as policymakers better information on which to make decisions in the future; and we will have that discussion and debate. The President is fully cooperating with the various commissions that are out there to do an investigation of the intelligence community.

□ 1545

The Senate Intelligence Committee is doing it, the House Permanent Select Committee on Intelligence is doing it. We all recognize that the intelligence business is a very, very difficult business; that we do not get all the information we would like to have; that when we go into a place like Iraq or try to take a look at what is going on in North Korea, Libya or Iran, as we are trying to look in and figure out what is going on, these folks are trying to hide and deceive us so that we do not understand what is going on.

Mr. PENCE. If the gentleman will yield, I would like to know why President Bill Clinton got it wrong. I would like to know why Vice President Gore had the weapons of mass destruction estimate for Iraq so wrong. And I do not say that in a partisan spirit, I say that because if, in fact, there were never any weapons of mass destruction following the time he used them against his own people in the early 1990s, then there was an intelligence failure. But if it was, it truly was an institutional failure; not, as some would suggest, not associated with the present administration, but associated with an institutional failure that, I will add one other point if the gentleman will permit me, was not just an intelligence failure of the U.S. intelligence failure, but it was, as I said at the beginning, a world intelligence failure.

The intelligence communities of every one of our allies in the western world, in this cause, and even many who chose not to join us, France and Germany and Russia's intelligence community, as their votes in the U.N. Security Council support, all of them came to the conclusion, unequivocally, that Saddam Hussein possessed biological and chemical weapons.

Mr. HOEKSTRA. I get a little nervous talking about saying we got it wrong, because I have had the opportunity, having served on the Permanent Select Committee on Intelligence now for 3 years, to have met a lot of our men and women involved in this process.

The first thing we have to recognize is they got a very important thing right, Saddam was a threat. It is not like we got into Iraq and it is like, wow, there is nothing here; he was not doing anything, he was just trying to build the country for his people. He was focused on delivering them quality healthcare, education. You guys got it all wrong.

That is not the Saddam Hussein we see and this is not the Saddam Hussein that his own people saw. They got it right, that this guy had every intent of restarting a weapons of mass destruction program, and we missed that he changed his strategy, from stockpiling to producing these things on demand.

So we got some of those things wrong.

But overall, the strategic analysis, because these men and women we have in our Intelligence Community, this is an art, and Saddam Hussein was a master at deceit, and we did not necessarily give our intel folks everything they needed to figure it out.

Mr. PENCE. The gentleman has caught me in a little bit of a rhetorical joust, and it seems to me that those who want to say we did not find what would have amounted, if we were absolutely correct, to a two-car garage load of biological and chemical weapons, it would not have filled more than that. But if we were wrong at the time, we went to war that that did not exist,

that is the straining of the gnat when we ignore the elephant in the room.

The elephant in the room is the man and his regime were a weapon of mass destruction, terrorized and killed over 1 million of his own people, had these weapons and used them against his own people in the past, and, as the gentleman from Michigan says eloquently, most assuredly our conclusion that he was a menace and threat was accurate.

Mr. HOEKSTRA. Let us go to where the gentleman wanted to go today. I was in Iraq last year in August, I went back in September of last year, and then I was there 3 weeks ago. You were there last week. If there is any question about whether Saddam was an instrument of mass destruction, I think you and I were most touched when we actually had the opportunity to talk to the people of Iraq and their response. Then you talk to the next group that has had the most interaction with the Iraqi people on a personal level, and that is our troops. Then you talk to the policymakers and all of those kinds of things.

But the closer you get to the people who were closest to Saddam, I think my colleague will agree, that, by and large, the vast majority of those folks, and I will admit and recognize that Iraq continues to be a very dangerous place; there are people there who want to kill our troops; there are people there who want to kill the Iraqis that are working towards building a new Iraq; but for the average person in Iraq, they are absolutely thrilled and thankful that Saddam Hussein is gone.

Mr. PENCE. Apart from the inspiration of meeting particularly Hoosiers in uniform in Baghdad, the most inspiring for me, and this picture gives evidence, was the opportunities we had a week ago to meet with ordinary Iraqis, people working construction, men and women of various traditions, and even various faiths.

One of our meetings, and it may astound some that could be looking in, Mr. Speaker, is we had a meeting with a Shia cleric, a Shiite Muslim politician and the Catholic Bishop of Basra, who walked in in full religious garb, embraced the Shia cleric, as they obviously had great affection for one another, and then spoke of the religious pluralism that was a tradition for over 800 years in the communities of Basra in southeastern Iraq.

Mr. HOEKSTRA. What we forget is the rich tradition of Iraq. I do not know whether you have got it, but I have some things that have been posted on the Internet by folks who recount the history of this part of the world. It is a rich cultural heritage, the cradle of civilization, and that is what the people of Iraq want to be recognized and remembered for. They want to forget about the days of Saddam Hussein, because he robbed them of that great history and tradition.

Mr. PENCE. That is absolutely right. Basra itself is just south of the convergence of the Euphrates and Tigris Riv-

ers, which the Bible records to be the location of the Garden of Eden. At Tallil Air Base, you can see essentially a pyramid from 2100 B.C. that marks the birthplace of Abraham, what was known as Ur of the Chaldeans. It is a place of incalculable historical value and significance, and the people reflect that.

But I have to tell the gentleman from Michigan, Mr. Speaker, that I fell in love with the Iraqi people that I met. The two qualities of the people that I met, and, again, it was only 60 or 70 regular Iraqis that we spent significant time with in the course of that weekend, but the Iraqi people that I met were highly literate, most of them spoke functional English, which was helpful to me, and the two characteristics, there were three. Number one, they were people who had very strong opinions, which made me feel at home, being from Indiana and the Midwest, as the gentleman from Michigan is.

We sat in a meeting, and, boy we heard it. Some people did not like how we were spending money on construction, other people did not like how we were investing in domestic security. But they had strong opinions, they were articulate, and they were revealing in the ability to express the opinions for the first time in their lifetimes.

Mr. HOEKSTRA. I experienced some of the same stuff when I met with the Iraqi people. You went right to where I was going. They are learning the ability to speak out, because under Saddam Hussein, if they had spoken out, they would be dead. So they are aggressive, and sometimes you kind of say look, you cannot say it that way or whatever. But, wait a minute, they have only had the opportunity to speak out for the last 8 months. You are right, they do not know everything they have to do to be politically correct.

But what a wonderful experience for them for the first time to be able to speak out, to meet with Members of the U.S. Congress or of the Parliament from Britain or members from Spain, but representative government, and for the first time, to have the ability to express their opinions and their vision for their own country and communities.

Mr. PENCE. I thank the gentleman. That was evident. The reason I start with that is to say this was not a group of people that were handpicked to tell four Congressmen what they wanted to hear. These people had some sharp elbows. But when you would ask any Iraqi, what do you think of our decision, along with 33 other nations, to remove Saddam Hussein, they would stop in many cases, their eyes would well up with tears, they would often grab us by the hand, and, as one Shia cleric looked me in the eye and said through an interpreter, Saddam Hussein was a nightmare, and I quote, he said, because I will never forget it, he said, "The day you defeated Saddam Hussein

was like a dark curtain being lifted off of the Iraqi people and the daylight shone in."

The sense of gratitude among the Iraqis, not only leaders, but rank and file folks that we met, was deeply moving to me as an American, and it was real and it was genuine. And I believe that from what they said, that among the 10 million souls who call themselves Iraqis, it is the dominant, overwhelming opinion of the people, one of gratitude to the people of the United States of America for ending a nightmare in their Nation.

Mr. HOEKSTRA. It is the same experience I had. In September I had the opportunity to spend a day with one of my constituents who is kind of heading up the healthcare rebuilding in Iraq, Jim Hoveman. I spent the day, and we went through one of the facilities where they are rebuilding an administrative building.

Again, I am just kind of walking through the building, and I stopped and talked to two of the construction workers. It was not long, and I had about 40 of them around me, kids, maybe 18 years old, and then individuals that were probably getting closer to 45 or 50. But they wanted to talk, and they wanted to ask questions. But you could see the excitement that they felt, to have the opportunity to talk with people, to express their views and express their appreciation.

Then we went to one of the hospitals. The doctors and everybody focused finally on equality of healthcare, meaning it was going to be available all across the country. In Basra, they did not have much at all. This is a country that spent like \$1 per individual.

A couple of weeks ago, I had the opportunity to be at the White House where the First Lady introduced the program that they are going to do with Project Hope to build a highly technical state-of-the-art Children's Hospital in Basra.

There is some debate as to whether this hospital should be built or whether the money should be spent in a different way. Again, we will have that debate. But what it says is it is not awesome that for the first time, rather than seeing a high quality healthcare system that deteriorated for 30 years, now there are people that are looking at going into Iraq and creating a state-of-the-art children's hospital so that not only all the kids from Iraq, but that children from around the Middle East will now go to Iraq for quality healthcare and special care for the kids.

Mr. PENCE. These are the stories, Mr. Speaker, that are not being told. These are the stories of compassion that are, however, reaching the Iraqi people. They may not make it on American broadcast television with great frequency, but they are reaching the hearts of the Iraqi people. You can see from this photograph, which is one of literally dozens I returned with, these men were construction workers

at a USAID program, and some were attending a class on democracy. And we just stopped, and I think you can see even from this poor reproduction the warmth with which I was greeted by regular Iraqis.

I share one anecdote. We walked into a classroom, they are holding these democracy classes all over Iraq, and they are probably at, what we would say in the United States as a 5th grade level, where they are teaching what it means to live under a constitution, what the Bill of Rights are. We went into one of these classes. They are all adults. And I walked in, and, of course, was listening in for a time as they spoke in Arabic.

Then they rose and started to greet me and a few other Members of Congress. Several women wearing traditional garb walked up. I said, "Do you speak English?" They all said yes. They proceeded to share with me, and I have got them in my office, handwritten poems about what democracy means to them. And on my Web site, Mike.Spence.House.Gov you can see this picture, literally these women handing this to me as if it were a newborn infant, this poem, their hands literally shaking at excitement with the idea of being able to be involved in representative democracy as citizens.

I close on this point. I looked them in the eye and I said, "You all are like the founding generation of the United States of America. You are like the people that lived in 1776." I said, "I envy you, because future generations of Iraqis will look back at you and thank you for your courage and your success and your belief in a free future."

□ 1600

And they all giggled with delight; they understood what I meant and were obviously thrilled with the comparison to our founding generation.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding; and I think he has it exactly right, because we have to recognize how far these people have to go and where they are coming from. I mean, whether it is in Afghanistan where they were under the control of the Russians and the Taliban for 12 years and their per capita income is \$150, where they do not have the rule of law, they do not have police agencies in place, they do not have a judicial system in place, they do not have transparent government agencies, so they have to go through that whole building process and they have to learn about representative government.

It is unrealistic for America, for Congress, or for anyone else to expect that by July 1 they will be like us, that they will fully understand representative government. That is going to take a tremendous amount of work; and we are doing this work in a very difficult environment, because there are still folks there who, if they saw and could identify the Iraqis that were meeting with the gentleman from Indiana (Mr.

PENCE), those folks will become targets. There are groups out there, this is still a very deadly environment, but the gentleman is absolutely right. These people are going to be at the leading edge of building a new country.

Mr. PENCE. Mr. Speaker, I thank the gentleman, because the point he just made to me is a colossal one. The very willingness of regular Iraqis to attend democracy classes sponsored by the United States Agency for International Development is an act of personal courage. The day after we left Baghdad, literally a week ago, was the bloodiest day in Iraq since the end of the war. Four mosques were attacked in Karbala and in Baghdad where we just were. Nearly 300 Iraqis were killed; many more hundreds injured, and all of the mosques that were attacked, as the gentleman alluded to, all the mosques that were attacked were clerics and imams who were cooperating or understood to be cooperating with the transition to democracy in Iraq.

One last point. The Iraqis that we spoke to were rather incredulous that we were in any way surprised by the violence. I will never forget the Iraqi who said to me, these people killed over a million of our countrymen to hold on to power. Why does it seem surprising to your people that they would kill to get it back?

And I yield back.

Mr. HOEKSTRA. Mr. Speaker, some ask, are you winning the war on terror, and the level of violence in Iraq is something that we are very, very disappointed in. But the gentleman is absolutely right. We should not be surprised. There was a letter that we intercepted and captured a couple of weeks ago that clearly indicates we are making progress, because the letter indicates that, Hey, we need to kill Americans and coalition forces; but where we really now need to move to, because we know that they are being successful, we need to target Iraqis, either to discourage them from moving forward to building a new Iraq, and to try to create divisions between the Shiites and the Sunnis and the Kurds and try to incite civil war. The terrorist organizations and individuals who feel that they will be disenfranchised because they are associated with the former regime will do just about anything to keep power, and that anything right now means that they will target and kill Iraqis.

When we were there, we had the opportunity to meet with 600, 500, 600 police cadets, and we went there because the week before we were there, again, two bombings and over 100 either police recruits or policemen were killed. They are the first step in building a civil society, keeping law and order on the streets. And we talked to them; we laid a wreath at the academy and spoke with them about how we were going to stand with them. Because we know that these young men and women, men and women in their police academy, the day they leave that academy, they

are going to go into an environment where the police are going to have a price on their head. But when we went through, and I mean the gentleman had the same experience with the folks that he saw, the first thing you did is you looked in their eyes. They were glad that we were there. You looked in their face and there was a smile on their face. You heard what they had to say, and I think there was appreciation in what they had to say. You shook their hands, and it was a firm handshake.

Something that I had not experienced in my previous trips: when we were at the police academy, after just about every handshake and every thank you, they put their hand over their heart and then put it at their side. I said, What does that mean? I got it wrong; sometimes I would start with that. And they said, no, no, no, you end with that. What they said when they explained, they said, that demonstrates the intensity and the sincerity with which they are expressing their appreciation and their feelings to you for being there. So we had six Members of Congress who went to their academy and said, thank you, and as the gentleman states, our chairman was very eloquent when he talked to them, saying that you are the generation that will create the foundation for a new Iraq, and people will remember you because of what you are doing and the risks and the sacrifices that you may take. I yield to the gentleman.

Mr. PENCE. Mr. Speaker, I thank the gentleman, and I thank him for that moving explanation. I can candidly tell the gentleman that I did not have the presence to ask why almost every one of the nearly 80 Iraqis that I met ended every conversation like this; but I am very moved to learn it on this blue carpet, that it meant this is the intensity of the gratitude and the feelings. But I can attest on this floor that virtually every Iraqi with whom I spoke ended with their hand on their heart, speaking to me as a member of the United States. And I really believe, although intelligence estimates are that we are dealing with 1,000 to 2,000 insurgents, left over thugs, imported terrorists, people that are doing the killing that is going on and purposing to do more, but this is 1,000 to 2,000 essentially criminals and terrorists in a country of 10 million. And I believe in my heart, and I know the gentleman is my senior in Congress and often cautions me about over generalizations, but I believe in my heart if the Iraqi people could look the American people in the eye and rise as one man or one woman, they would be standing with their hand over their heart.

The people of Iraq that I spoke to are profoundly and overwhelmingly and emotionally grateful to the people of the United States of America, of Great Britain and Spain and all of the 33 nations that freed them from this nightmare of Saddam Hussein. I think of particularly the moment where a man

who had been jailed 12 times over 25 years, who now is heading up an organization to identify the fate of nearly 1.2 million Iraqi men, women, and boys and girls who are still missing, who were dragged from their homes because of the belief in their disloyalty to Saddam Hussein. No due process of law, no trial of a jury of their peers, simply dragged away, never to be heard from again. And that man, as I expressed my appreciation for his courage, put his hand over his heart and expressed his thanks to the people of the United States of America for ending the nightmare, as he described it, of Saddam Hussein.

Mr. HOEKSTRA. Mr. Speaker, let us take a look at a different layer, because the gentleman and I know that when we are in Iraq, we do not get to go to all of the places we would like to go. I mean, when I have been in Baghdad, it is kind of like there is a lot of commerce, there is a lot of cars, the roads are busy, there is lots of people; and you want to just grab your driver and say stop, let me out, and let me spend the next half hour, hour just walking down the streets and talking to the people of Iraq, because I want to find out whether you are giving me the straight scoop. I think I am getting good input from the Iraqis, but are you selectively feeding me people that will only come with a smile on their face and those kinds of things.

The gentleman and I have both had the opportunity to talk to another layer of people who have interacted with the Iraqi people, and that is the American and coalition troops. When I was there last time, I had the opportunity to have dinner with 10 soldiers from Michigan, and my colleagues had dinner with 10 to 15 troops from their States. So we are talking to 75, 80 troops. And then I also had the opportunity to talk to parents or spouses whose husbands or wives are over in Iraq; and the American troops and the coalition troops, they are the ones, the ones that I met with. They are the ones that are patrolling the streets of Baghdad. Baghdad is divided into sectors, and the group that I had dinner with, they are patrolling four segments. So you ask them and say, What are the Iraqi people saying to you? And our troops, although I have not spoken to all of them, so I cannot say all of the troops, but the ones that I have spoken to have no doubt that we are there for the right reasons.

The gentleman from Indiana is right, they are not worried about whether we found weapons of mass destruction. Again, they have heard the stories of the torture, the killings, the brutality they have seen, how Saddam took care of himself and did not take care of his own people. They know all of this stuff. And they will tell us we are there for the right reasons. The Iraqi people are thrilled that we are there. The Iraqi people are frustrated that some of the rebuilding is not going as quickly as they would like it, that the security is

not where they would like it, it is not where we would like it. But at the end of the day, they are glad we are here, they are glad Saddam is gone, and they are going to help us rebuild. They will tell us great stories about interacting, handing out books, rebuilding schools, digging wells, cleaning up irrigation trenches, getting the power going, and doing all of these things to help the Iraqis on a personal level.

I think the gentleman from Indiana had an opportunity to meet with some of the troops, and I yield to my colleague.

Mr. PENCE. We did, Mr. Speaker. As this picture attests, this is the gentleman from Indiana (Mr. BURTON), who led our delegation with great distinction, and me with a number of Hoosiers in the Air Force at the air base south of Baghdad. We were able to dine, as the gentleman from Michigan did, with a number of men and women in uniform; and it was truly inspiring.

As the gentleman suggested, Mr. Speaker, I just have to say that among the Iraqis with whom I spoke when I was in Baghdad and Basra, and among the soldiers, both British and American, when I would bring up the subject of weapons of mass destruction or the lack thereof or the search therefore, people would be completely uninterested. I remember speaking to an American intelligence officer who had been in charge of surveying a handful of the 270 mass graves that we found so far. And I looked him in the eye and I said, What say you of the lack of weapons of mass destruction? And he looked at me and he looked down at his shoes covered with sand, and he looked back at me with emotion in his eyes and he said, sir, from what I have seen, we did what needed to be done, whether we ever find any of those kinds of weapons or not. And this was the attitude that I got among our troops. I will say this without hesitation.

Having walked into the palace of Saddam Hussein myself and walked into another one of his palaces and seen the opulence with which he indulged himself and his cronies, and then having walked through the ruination of Basra, which is a city with 20 percent of the sewage capacity that it requires, with 50 percent of the electricity it requires, 30 years of neglect and repression, and the tyranny and murder of over 1 million people, I am going to agree strongly with that intelligence officer. We did what needed to be done in Iraq and we, as these soldiers reflected again and again, and the gentleman from Michigan got this as well in his words, these soldiers know we were on the side of the right in ending the 30-year reign of a murderous dictator, Saddam Hussein.

Mr. HOEKSTRA. Mr. Speaker, I have not had the opportunity to go to Basra, but the gentleman from Indiana talked about the Third World conditions. Again, I spent more time in the health care area in talking on a pretty regular basis with Mr. Haveman, talking about

what is going on there and what existed before. This is actually what the first lady talked about when she was talking about the new hospital we want to build in Basra. Decades ago Iraq had one of the strongest systems. But here are some of the stories.

Mothers tell stories of watching their children die because doctors do not have a small enough tube to give them oxygen. When parents bring their children to the hospital, they must also bring food, bedding and clothing, even their own blood supply. Under Saddam Hussein, one in eight children died before the age of 5. One in three was malnourished. Infant and child mortality rates doubled in 10 years while low birth weights increased from 4.5 percent to 30 percent. Today, infant mortality rates, and this is when the coalition came in, infant mortality rates in Iraq are similar to those in much less developed countries in sub-Saharan Africa. The prevalence of leukemia has also increased dramatically in the past decade and continues to grow at an alarming rate. Children in the United States with leukemia have a 90 percent survival rate.

□ 1615

In Iraq, the rate is less than 10 percent. Saddam took care of himself, his family, and a core group of Baathists, but other than that, the country just totally slid. And those folks received very little health care, very few benefits from the government.

Mr. Speaker, I will yield to my colleague.

Mr. PENCE. Mr. Speaker, I just remember when my colleague first returned from Baghdad, he shared with a number of us, his colleagues, video footage of Baghdad as a bustling city, a very modern city, which it was. And the reason we went to Basra the first day was because Ambassador Bremer and other officials were locked in round-the-clock negotiations over the constitution. So they sent us as the first delegation of American Congressmen to Basra.

I have to tell you that going from Basra, which is like a Third World country, I mean it is ravaged not by war, it is ravaged by 30 years of neglect and tyranny by Saddam Hussein who refused to, even though billions of dollars were flowing from the Oil for Food program into his regime, and he was building more and more palaces, these monuments to his own greatness with marble floors and crystal chandeliers the size of minivans hanging from the hallway ceilings, but then go to Basra, and there is ramshackle dirt buildings falling down, roads in disrepair, sewers in disrepair, it demonstrated to me that contrast more than anything between the bustling city of Saddam Hussein to a city under the control of Basra, the Shiite population, the mendacity of this regime and the self-indulgence and evil of this regime letting so many people live in poverty while they live in sinful opulence.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from Indiana (Mr. PENCE) for bringing it up. It reinforces the amount of work that needs to be done there: Getting a constitution, establishing a law, getting the police force in place, getting the judiciary, getting government institutions in place, and then also practicing the art of representative government.

But there is no doubt that I believe the people of Iraq are thankful that we are there, that we are making progress in that. And we have talked about the people in Iraq that my colleague and I have personally had the opportunity to meet. We have talked about our second hand accounts that are told to us by our troops who are interacting with the Iraqi folks on a daily basis.

Then there is one other level that I just want to get to before we run out of time, and that is before I went to Iraq the last time we spent a day in Libya. And for those who do not believe that we are making progress in the war on terrorism, there are a lot of folks who are believing that we are not winning or making progress in the war on terror, or that we are not serious about it, Muammar Qaddafi, Colonel Qaddafi believes that we are making progress, that we are serious about winning this war on terrorism.

The changes that have happened in Libya are dramatic, going from somebody who had a weapons of mass destruction program, a nuclear program all under development, all secret, to where we are today, fully exposing it, telling us not only what he has, but how he got it and these types of things.

We do not fully understand exactly why, but I do not doubt that there is some relationship to what we did in Iraq and where we said we are going to be focusing on, a war on terrorism, focused on it like a laser, we are going to go after it, and however he got to where he is and however Libya got to where they are today, we ought to be thankful that in this element of the war of terrorism, we have made that much progress in a very short period of time.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding. This photograph illustrates a brief meeting that we had with Ambassador Paul Bremer across the hallway from the negotiations over the constitution. My colleague spoke of the long work we have ahead. There is a new interim Constitution, which is a radical document in the Middle East, people have basic Bill of Rights freedoms in this ancient land for the first time ever in their history. In this picture actually appears the draft of that interim constitution that Ambassador Bremer calls it.

If we will stay the course, not only will we see the changes and the repentance that we have seen of Colonel Qaddafi, but I believe we are going to see the transformation of the society of Iraq as an Islamic country in their own form of democracy and freedom and a society built on rights that will trans-

form that part of the world for our children and grandchildren and for the children and grandchildren of the good people of Iraq.

Mr. HOEKSTRA. Mr. Speaker, there is no doubt we are making progress. I want to read a couple of quotes from a speech that we heard in Libya. And if it becomes the role for the Middle East, we will have made great progress. Think about this quote. This is one of the Libyan parliamentarians. "I believe God created man on this earth. Therefore, they have natural needs and natural rights. These are not bestowed by anyone else and they cannot be taken away by men." This is in Libya.

Now, think if they move that that direction. "Every person has the right to develop to their full potential to live in peace, security and prosperity." "How can you enslave people who are born free?"

There is something that is inside of all of us that we recognize these types of rights as being basic rights. And as we help bring those rights to Libya, as we help bring and foster those rights in Afghanistan and Iraq, we do not light the spark or the flame in these peoples, we give the flame the opportunity to grow and flourish. It is there. That is something that is in all of us, the right to be free, to be secure. And what we are doing is we are giving them the right to do that. But we also, at the same time, recognize the difficulty and also the number of people who want to extinguish that flame and enslave these people one more time just like Saddam did.

With that, Mr. Speaker, I yield back the balance of my time. I thank my colleague for joining me today.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 98. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, Members of the House, once again it is a wonderful day to be here in the House and share not only with my colleagues, but with American people, the issues that are facing not only our economy but our children's future.

I guess I would have to start, since this is budget time and as we are here on the floor simultaneously, the Committee on the Budget is meeting to try to work out this \$2.4 trillion budget

that the President has sent here to the Hill. I must say to my colleagues that it is important on behalf of Americans, on behalf of working Americans, and on behalf of individuals that are unemployed in our country, that we make the right decisions not only for the future but for today.

I can tell you that I am very, very concerned about the direction we are going in right now of Members just following this White House with what they send us. We are trying to do the same thing with what they send us, as we just rubber stamp it and send it through. We cannot allow that to happen.

Under this budget, the reason we are in trouble today is it relates to just under 3 million jobs that have been lost and Americans out of work as we speak today. It is important for us to remember that we still have a health care plan that we have to put forth not only for Americans, but also to allow small businesses to be able to provide a health care plan for Americans who do not have it.

I will tell you right now for those that do have it, in many cases, their contribution is so high and it is continuing to grow, it is just really getting out of hand. But being a creature of the State legislature, where I used to be for some 8 years in the State of Florida, I cannot help but stand here on behalf of State legislators throughout the country, Democrats and Republicans, Independents and non-party, members of the legislatures throughout this country need representation here in the U.S. House of Representatives. And also local government, non-partisan local government members, partisan local government members need a voice here in the Capital and, not only a voice, but they need action.

I will tell you I came to the floor this afternoon just to share a few things with my colleagues so that they do not think that this is just a Kendrick-Meek report. And there are a few Meeks out there that are a little disgruntled as it relates to the President's budget that falls short of a good vision for our country.

Let me just make a case in point. I could not help this morning when I knocked the dew off the paper here in the Capital city, I could not help but find that the National Association of State Legislatures, that I was a member of for 8 years, is a bipartisan group. That is, legislators come together to make sure that States are not left behind and that they are able to put forth the best government possible for their particular State.

And I could not help but see this article that is on the Federal page of the Washington Post today, and it says, "President's Unfunded Mandates Criticized. Group says that States face huge bills."

Now, I want to make sure that the American people understand what I am talking about. When the President says that he wants to make his tax cuts per-

manent, he speaks very passionately about making tax cuts permanent on behalf of the most wealthy Americans. Now, I think we can all be under the umbrella as it relates to middle-class tax cuts, as it relates to child credit, as it relates to tax cuts that are helping small businesses. But when you start looking at the big tax cut for the wealthiest Americans, I do mean the individuals who are not knocking on the doors saying I need a tax cut, we are giving it to them. And we are giving it to them at the detriment of our education system.

This points out Leaving No Child Behind as an unfunded mandate to States. I think it is very, very important for us to remember that it is okay to talk about standards because that is free. We can hand standards down to State governments and they can hand standards down to local school boards that will then impose them on children. Nothing wrong with that under a plan that is going to work.

But that makes that very problematic for hard-working teachers and for students that are trying to achieve this goal and for legislators that are trying to put together a budget because States that do not have the luxury that we have here in Washington, D.C. where we will just put it on the charge card. We will forestall it off to another generation or this generation to pay it later because we want to be the ice cream and cake Congress, or ice cream and cake administration.

At a time of war and at a time that we are looking at the deficit that is, I must say, \$520 billion in change, that is going to continue to happen or continue to roll out unless we stop this President now as it relates to his budget and do not make these tax cuts permanent.

Let me take an excerpt, Mr. Speaker, from this article today in the Washington Post. "The President's budget next year will increase the burdens to States \$34 billion, according to the report made public in a news conference at the National Council of State Legislators in their winter leadership meeting in Washington, D.C., accusing the Federal Government of cost shifting.

That is not just something that they are saying. It is for real. Accusing the Federal Government of cost shifting. Utah House Speaker Stevens, who is a Republican, I must add, president of the National Council of State Legislators said, "We have seen increases in practice of these recent years, and we are concerned that this is going to get worse."

Let me tell you, ladies and gentlemen, there is no way in the world that State governments that are facing a \$78 billion deficit across the country are going to close that gap if we are thinking about the wealthiest Americans. We cannot shore up the Social Security trust fund and making sure that we are able to provide Social Security, the promise that we made to so many Americans, if we make these tax cuts permanent.

Now, the President is saying that the tax cuts are going to help the economy. Well, I beg to differ. Because right now we are looking at a job loss of 3 million jobs, just under 3 million jobs. And he would have to go north of that number to even be able to show an increase. So since the Great Depression, no president like this one under his watch has actually seen this kind of job loss.

And I think it is important that we take very close note to what this situation is, not only to us as Americans, adult Americans, but to our children. People talk about our children's children. I think it is also important that this article talks about we like to pass things that sound good.

□ 1630

We want to pass clearer skies. I doubt if there will be funding. We have already passed the Leave No Child Behind, which States are now saying that the Federal government, as it recommends, the Federal commitments, we have done just that, we have left children behind.

We like to talk about the war on terror. I must say the effort on terror because wars are very costly, and I think it is very, very important that we remember, and especially as it relates to my colleagues who were just on the floor commending the President and the justification on behalf of the whole Iraq experience, let me just say this, it is important that we support our troops. Our troops are going to do what they are told to do. Rightfully so. The Commander-in-Chief is the leader. But I will tell you that as Americans, we have to pay very close attention to what one may do to take the attention off of the real agenda.

And I will tell you time after time again, if you watch the President as he moves throughout the country and has press conferences and things of that nature, we talk about standards. He talks about standards. He talks about the fact that he is compassionate towards seniors and veterans and all of the soft music that may be in the background as it relates to his speeches; but I will tell you in the real world that is not the case. We are leaving the troops's children and their parents and their loved ones that are over there with sand in their teeth in Iraq or Afghanistan or in Haiti behind.

It is important that we have remember and we look at the fine print here. We have veterans that are waiting 3 months to get a prescription filled through the VA. Now, I do not fault the good people who are trying to work with what they have at the VA. But I wish that the President and I wish that this Congress would move forth in this budget to make sure that the VA can cut that in half.

Concurrent receipt. I am so glad that my colleagues on the Democratic side had enough gumption to be able to pull a bill up to this floor to allow a veteran that is disabled, so they do not have a veterans tax, of taxing them while they

are disabled and a veteran at the same time. This leadership is important.

I want to make sure that the American people do not feel that this is some sort of partisan argument against the President. I will tell you individuals will have their opportunity to stand in judgment of this administration in the coming months. But I will tell you this as Members of Congress, it is very important that articles like this where you have Republican members of the State legislature saying that we are shifting the cost to them, and when we cut the Federal commitment, which when we give this huge tax cut that has already been given to the most wealthy Americans, that there will be no money to respond to the States.

Now, how this works in the real world when you have \$78 billion in deficit throughout the country, then what do the States do? Do they raise taxes? Nine times out of ten, they do not. They increase fees. Your driver's license costs a little bit more. For individuals that are in coastal States, registration for your boat may go up a little bit more. For individuals that buy hunting licenses throughout this country, sportsmen, they pay more for their hunting license because the wildlife officers or the wildlife commission, their budget is going to be cut. So when that happens, what happens to the counties, our counties? They were just up here. Well, the cities were up here and I am going to get to them in a minute.

Our counties were just up here recently. And they were so very, very concerned. They are thinking that help is on the way, and that they are going to get some sort of relief. They look to the States for relief. The States are not going to give them the dollars that they used to give them rightfully. So what they should do so they can put forth the function to be able to make sure their residents, taxpaying Americans, are able to have some level of government services, or some level of police services or fire services, or homeland preparedness.

That is not going to happen. You make these tax cuts permanent for the most wealthy Americans, this country is going to continue to see what this speaker said, the president of the Senate of Utah said, that we are concerned it is going to get worse.

So basically, if we do not listen to the chairman of the National Conference of State Legislators make his arguments, it is almost like this Congress, Mr. Speaker, taking out a carton of milk and taking a smell of it and saying, wow, it is spoiled. Let me put it back in the refrigerator. Maybe it will be fresh tomorrow. We do know that is not going to happen.

I feel so bad for my colleagues that are "deficit hawks." It must be very difficult to come up with an argument of where we can kind of cut this deficit in half. How can you do it when you have got a President that is willing to say, let us make sure that we make the

tax cuts permanent and the more taxes you pay, the more money you should get. That may sound good in a speech, but in reality, you have Americans receiving on average somewhere maybe 50, \$300 in rebate, and then you have millionaires receiving thousands, hundreds of thousands of dollars so that they can go on and do the things that they do, and it does not help the economy whatsoever.

Job growth. Let us just talk about that for a minute, because it is important since we have themed this special order to talk about States, talk about counties, talk about local governments, talk about school boards, about how the devolution of taxes will end up affecting every American's life. Let us talk about that for a minute.

The President said, hang in there. He was talking to some workers the other day. Just hang in there a little longer. It will be okay. It is going to work itself out. I must beg to differ with the President, because I feel this is the sour milk scenario once again. Let us put it back in the refrigerator. Maybe it will be fresh tomorrow. We know it will not be. The evidence is not there to justify the economic backing of what the President may feel as it relates to giving more tax cuts.

My colleague, the gentleman from Texas (Mr. DELAY), on the other side of the aisle, the Republican leader, last year he said there is nothing better the government can do, I am paraphrasing, than at a time of war than to give tax cuts.

Cake and ice cream.

We can not do that. We are supposed to be the responsible ones. Members of Congress who know better should do better. And unless we stop marching in lockstep, I must say on the Democratic side that is not the case, but on the Republican side, there seems to be a sense of pride that we need to just kind of hide behind this administration saying that it is okay. But it is not okay. For us to get to the top of where we were, I must adjust 3½ years ago looking at surpluses, now we have the largest deficit in the history of the country.

How did we get here in such a short time? Let us just give the tax cuts to the most wealthy individuals. Just put it this way, 56 percent of the tax cuts under the Bush plan is to the most wealthy Americans.

Now, I am not standing here saying I do not like individuals who are able to do the things they do, but these are the wealthiest of the wealthy. And it is very, very important for those of us that are here and have the power to do so, bring about the kinds of change that this country deserves.

Now, let me just say as it relates to the jobs, the 3 million jobs lost, the administration has changed the forecast 3 times. Well, we are going to be here by this day. No, I am sorry. We will be here by this day. No, we will be here by this day, just to try to get some sort of goal that could be met. And it is just not adding up, and I will tell you that

it is very, very important that we remember that as Members of Congress, that we stand on behalf of what is right for the country, not just because administration and the Vice President comes here and he gets over here in the side room and the next thing you know, you have Members on the other aisle walking back in feeling very beat down and, well, I guess I got to go here and be with the home team.

Well, the home team has gotten us into a 3 million job deficit, the largest deficit in the history of the country and climbing. We have State legislators that are saying, oh, my goodness, they are shifting the burden over to us. And this budget alone, the next year, increased burdens will be on the States on top of what I am telling you right now will be \$34 billion. That is not change. That is real money.

What is going to happen to you American people that are working every day, that are taking care of your family every day, that are doing all the things that this country has asked you to do to make us strong? Your children, they go to school every day. They are trying to make their lives better every day. They have hopes of going to college one day. But what we are doing here and what this administration, what the Bush administration is putting on this country right now is very, very unfortunate, and I am sorry to say it, dangerous economically. And our democracy depends on a strong economy.

Now, I will tell you that when the States make their budgets, obviously, they have to look at cuts. Their commitment is going to cut to local government. That means that the feeding program in your local community is going to probably end up reaching the ax. Here in the Federal, in this budget, we cut the COPS program, putting community police officers in communities to what? Prevent crime. Not respond to it, but prevent it. That is cut. You think the States are going to be able to pick up that burden? Of course not.

Then you look at programs as it relates to your quality of life, parks and recreations, that builds character in our communities throughout America. What has going to happen there? Maybe the summer program may not be there for your child. It does not matter what community you live in. I am not talking about Chicago, even though that would be an issue. I am not talking about Los Angeles, even though that would be an issue. I am not talking about just Miami and just my district because the State commitment has been cut because the Federal commitment has been cut to be able to allow tax breaks, permanent, on behalf of the most wealthy Americans.

I am not just talking about those cities. I am talking about Youngstown, Ohio. I am talking about small cities like Ocala, Florida. I am talking about towns and villages that count on State dollars to be able to help make and

provide the good services on behalf of their constituents.

Let us talk about cities. Well, cities, they count on counties. They counts on State governments. They count on the Federal Government. The cities were up here last week, which was quite interesting, and I took the time to listen to their arguments. And I will tell you right now, the cities are very concerned about the direction that we have continued to head in. They want homeland dollars. We talk about homeland security here in Washington. Yes, it is a good thing. I am on the Select Committee on Homeland Security. Yes, that is a very important committee. We have an appropriations subcommittee on homeland security. But let me tell you where the front line security takes place. That is in our cities and that is in our counties and that is in our small towns. And I will tell you right now they are hurting and they are feeling the pinch.

Now, you may, in a speech made by the President or by some Members on the other side, defending the President's policies of 3 years, of not really a job growth. And then when you see a job growth, it is about that big. And then we start talking about trying to get McDonald's and Burger King to re-categorize to make it manufacturing jobs to try to add on to say, okay, we have a nice little stack there now of jobs. Look what I have done.

This is so very, very important that we remember that we cannot allow this to happen, what the President has put forth in this budget of making these tax cuts permanent.

Now, I think it is important as we look at homeland security or home-front security. We have police departments right now that need equipment. We have already taken the COPS program and snatched that rug out from under them, the most positive and aggressive program of preventing crime in this country in a very long time. And because we have taken those dollars away, police chiefs and sheriffs are hurting. Right now they are responding to crime in many cases. They are not preventing it.

□ 1645

I will tell you right now, I guarantee you I do not even have to take a poll. I do not have to call CNN or MSNBC or any of the networks or the talking heads that are on 24 hours. And I guarantee you, walk up to any American and you can ask them this question: One, do you want to prevent crime or do you want crime to happen and be reported? And as we start looking at this bad trend of the Bush administration of fighting on behalf of the wealthiest Americans, that is going to continue to happen. Crime will go up. Police chiefs are going to have to work with what they have on behalf of providing the very safety that Americans deserve in big and large cities. So when we talk about tax cuts and act like it is really not anything that affects Americans, it does.

Let us talk about what is happening as relates to property taxes. Because of our efforts here, or lack thereof, to stop the Bush administration on this tax cut for the wealthiest Americans, we have a bad situation as it relates to being able to stop property taxes from going up when we talk about local commitment. What is happening as this devolution of taxation, as we continue to move down and putting these unfunded mandates on that the State legislatures are saying that we are, local communities have to raise taxes, property taxes of home-owning Americans.

Let me just share this with you. For me to stand here as a Member of Congress, I have never raised taxes on the American people. When I was in the State legislature I never raised taxes on Floridians. For us to be able to say in the county, well, we do not want to raise taxes, but I shared it with you earlier in my presentation that they come in the form of fees, of increasing fees, need a new tag or hunting license or fishing license, things of that nature, this is kind of invisible what happens in local governments. You all of the sudden see the rate of your property taxes go up because they have no choice.

This is the last area to pass the buck, city and county governments; and it is very unfortunate, very unfortunate that we put those local governments in that position. As we are up here in Washington speaking here on this floor, there are local governments right now scratching their heads, wondering how they are going to meet a budget, how are they going to be able to provide the services to Americans. So while we are putting \$50, \$200, \$300 in a tax cut, they are taking \$500, \$600, \$1,000 out of everyday Americans' pockets as it relates to property taxes because they do not have what we have.

I am going to tell you I am very disappointed as it relates to this. It is really bad to be a Member of the Congress and say you are a Member of the 108th Congress that oversaw the largest deficit in the history, not in recent years, in the history of this democracy of the Republic. I am so happy because I am glad that there is some sort of difference here as it relates to the budget and how Members feel.

We have a Republican and a Democratic side; and I will tell you, my colleagues on the Republican side, I feel for them because for them to try to figure out how they are going to make an argument and not offend the administration, I know that job is getting more difficult every day; and it is so very, very important we let the American people know how their local property taxes are being increased, how their local police services are being decreased. Not because local government is saying we want to cut community policing. We are saying it because we want to stand up on behalf of the wealthiest Americans.

I will tell you this. I am very proud of the Democratic side of this Congress

that believes in middle-class tax cuts, but as it relates to these wealthiest Floridians, wealthiest Americans, that are celebrating, an administration that stands up on behalf of giving them big tax cuts towards the detriment of local government and Americans that are trying to work every day. So it is not adding up.

I continue to see article after article of failed attempts by this administration to try to get this economy moving in the right direction. That is creating jobs; that is not a jobless economy.

I will tell you, this one Member of Congress, along with several other Members on the Democratic side, we are very concerned. Not only concerned, we are willing to take action, if given the opportunity, to put this country in the right direction.

Let us look at this, this "Deficit in Trade," New York Times today. It is not just me, a Kendrick Meek report. This is a report, a reputable newspaper here in this country, "Deficit in Trade Tops \$43 Billion."

Let me just say this. We give the administration too much credit. We give them too much credit; and I will tell you, I think on the Republican side, it is time to start asking the tough questions. It is time to start taking some action or the American people will stand in judgment of all of us, and those that are willing to stand on behalf of the American people, everyday working Americans, not just the wealthiest Americans that are celebrating this tax cut and the President speaks so passionately about, you would assume he would talk about, he would go and say, well, on behalf of No Child Left Behind, we have to fully fund that. You would assume that this President would knock down the door to try to fight on behalf of dollars to be able to go to local governments and provide teachers with the things that they need to educate our children.

Better yet, we speak passionately about making sure that we make the tax cuts permanent, outsourcing jobs. Like I said, we cannot give the administration the credit or this Congress as some Members of this Congress as though they are the authority and they have a good track record. There is no good track record. If there was one, I would not be able to stand here on this House floor speaking to my colleagues, speaking to the American people in the way that I am speaking right now.

I can speak with great evidence and great backing of how States are concerned about the direction that we are going in. How we are cutting the Federal, I keep saying it, the Federal commitment to local governments and cutting the Federal commitment to the American people.

I will tell you, as we define in the coming months, with this being an election year, yes, people will do things that they ordinarily would not do; but I will tell you one thing that has been consistent. The fact that the President has said that these tax cuts to the

wealthiest Americans will help the economy has not happened. Three million jobs lost, that is a long way to go to say that you created something, and I will tell you this. It is very, very important, very, very important in this budget time that this Congress, not just my friends on the Democratic side, but my friends on the Republican side, it is time for some Members of this Congress to go see the wizard and get some courage on behalf of the American people who allowed us to be a part of this Congress.

Remember, Members of the 108th Congress here in this U.S. House and in the other body, history will reflect on the fact that we oversaw and the Republican-controlled Congress, I must add, oversaw the largest deficit in the history of this country that children will have to pay, that living Americans will have to pay for a very, very, very long time.

I cannot help but get off of this wealthiest Americans getting this tax cut that the President wants to make permanent. It just does not add up. With all the needs that we have, efforts against terrorism, efforts to be able to make sure that we provide or we talk about the terrorism, we talk about our troops, being able to have a good national defense, but how about those individuals that have served? How about those veterans? How about those individuals that wore the uniform? How about those members of the American Legion? How about those individuals that are out doing community service like the Shriners and others that are veterans in this country and they are being stepped upon?

They are being stepped upon because they are being devalued as it relates to the commitment that they should have from this White House. Yes, there are some Members of Congress that have now said, okay, Mr. President, I am sorry, I know you want to fight on behalf of the wealthiest Americans; but we have these veterans and they are in my district, and we are going to have to do something about it.

Republicans came together with some very courageous Democrats that put forth a bill. A Member from Florida put forth a bill, but could not get it up under a Republican-controlled Congress. Democrats came together to be able to provide that opportunity so that hopefully we can do some things about concurrent receipt, which is the tax on veterans.

Remember I said earlier about how we pass it on in fees and different things that may take place, like delays on being able to see an ophthalmologist at a VA center, having backlogs at VA centers continue to increase instead of decrease, if we are really honoring and standing towards the commitment of Americans that have allowed us to be able to celebrate the very freedom that we live under and breathe under today.

Police officers, I cannot help but have a level of compassion towards po-

lice officers that are out there making \$30-something-thousand a year, carrying a weapon, protecting our communities, protecting our highways. I used to be a State trooper. I was a State trooper in Florida for 5 years. I know what it means not to have what you need to have to be able to provide the protection that you raised your right hand and said that you would do and put the other one on the Bible. I will tell you that it is important that we do not leave them behind.

So when we look at these efforts of this White House to send a \$2.4 trillion budget to this Congress, that is making tax cuts permanent on behalf of the wealthiest Floridians, I mean wealthiest Americans and Floridians I must add, the wealthiest, not folks that are just kind of, you have a good job, you are making a family income of about \$80,000 a year. We are not talking about that group. We are not talking about the individuals that are making a little bit over \$100,000.

□ 1700

We are not talking about those individuals. We are not talking about those individuals that are making under \$20,000 or \$35,000 a year as a joint household income. We are talking about individuals that are making hundreds of thousands of dollars a year, and who are celebrating a great representative in the White House right now, and that is the President of the United States.

But do not take my word, just look at how it is presented. When the President starts talking about tax cuts, of course he does not say we need to make sure the wealthiest Americans receive the tax cuts. But it is somewhere in the message. When you look at how it is playing out, the majority of the money in his tax cuts go to the wealthiest Americans. So it is not like he is fighting on behalf of everyday working people and saying that we want to provide that tax cut for you.

I talked earlier about the legislatures and how they are feeling the pinch and how they are passing that pinch on to local government. But police officers need equipment, and not only for homeland security but they need equipment to be able to provide safety in our local communities.

Now, let us talk for a minute about health care. I mentioned that at the top of my presentation here today before this Congress. There is no health care plan, and there will not be any money for a health care plan if we make tax cuts permanent on behalf of the wealthiest Americans. Do not think it will fall out of the sky. It will not happen. We cannot have cake and ice cream and meet a commitment that we should make to the American people.

Yet we are able to provide a health care plan that we here in this Congress celebrate. We have a health care plan that is just really something else. But I do not think my constituents sent me

up here saying to me, well, we are so delighted and we love you so much that we want to give you health care that we cannot even have or afford. I do not think that was their message.

What I am saying to my colleagues on the other side of the aisle is that this is important. And to those who are either listening to me right now in their offices or have even made it back home, since we have finished business this week, think about it over the weekend, about what you have to do on behalf of those individuals at the airport when you get off that plane; think about that ticket agent that is there; think about that individual that is sitting there in that airport who is a development representative on behalf of a small shoe company who needs health care and cannot afford it. Think about those individuals when we start standing in judgment of this budget.

If we allow the wealthiest Americans to receive a tax cut over good health care on behalf of every day working Americans, some that are traveling by car, some that are traveling by plane, some that are trying to make ends meet, it is really a travesty and a shame. We cannot give this Bush administration the rubber stamp and continue to allow them to move forth on failed economic policies that are going to drive this country down, not up. Much more has happened to the American worker than for the American worker, and we have to pay very close attention to that. Let us be a part of the show and make it better on behalf of the American worker.

I would say now that the decisions that are coming out of this White House on the economic front are a shame, and individuals should be embarrassed. People should be fired. We should be able to bring in a new team of strategists and advisers. But I do take comfort in the fact that this is 2004, and in a few months Americans, will be able to make the kind of decision they need to make.

I guarantee that when you do not have health care and you have to go to an emergency room for that health care, or when you are a veteran and you have to go to a Veterans Hospital to get some sort of assistance and you are waiting 3 months to see the ophthalmologist or the cardiologist, or whatever the case may be, that is not a partisan issue. That is an issue of leadership. So whether you are a Democrat, an Independent, or a Republican, whatever the case may be, there is a lot of blame to go around.

We will not be blamed on the Democratic side. I guarantee you we will not be jumping up and down on making these tax cuts permanent on behalf of the wealthiest Americans. I am just so glad that God has allowed me to have enough breath in my body to come here and put this on the RECORD and to let Americans know that we should not allow the wealthiest Americans these tax cuts. And I am not hating on them,

I am hating on the leadership of this country as it relates to the President of the United States that keeps selling to the American people that this is a good thing. I just do not know how it is.

And I will say this right now. We need to stand up on behalf of those individuals working every day and that have to stay healthy to be able to provide health care and some sort of way of life on behalf of their families, men and women, some two-parent households, some one-parent households, and with their price of health care continuing to rise, and the price of health care continuing to rise for small businesses, then we are standing up with the President for the wealthiest Americans.

I am sorry if someone is disappointed because I am here speaking on behalf of everyday Americans. The people that work in the Federal Government do not have the kind of health care they need to have, and we need to fight on their behalf. We need to say no to the President as relates to providing tax cuts to the wealthiest Americans. I am going to keep saying it, and I think that Members of this Congress should keep saying it.

I am trying to make the job easier on behalf of my friends on the Republican side that want to say it but cannot say it. And the reason why they cannot say it is that they will fall out of step with the administration. I have seen it. It has been all over the papers, the kind of pressure that this administration put on good Members of Congress who are trying to make good decisions on behalf of their constituents. It is well documented. This is not the Kendrick-Meek Report, this is the report of the reality of what is going on in this Capital city.

We should not stand by and allow this to happen, and I do mean those of us who are carrying 108th Congress voting cards. We should not allow this President to continue to make decisions and give him credit where credit is not deserved, based on the report of this administration and the fact they have not been able to create positive job creation since the President has been President. Just short of 3 million jobs.

Some say we are on our way up. Well, three million is a long way to go. Try to tell that to an individual whose unemployment has ran out and they cannot find a job. Meanwhile, we have a President who thinks and who is talking about, oh, it is good to send jobs overseas.

So while we are here fighting, and the majority, I must add, I am hoping that we can get them to really think the way they want to think and act the way they want to act and saying no to the President of the United States; that we will not allow this to happen. Because the Social Security Trust Fund will never be resolved and it will be going down into deficits.

We believe in community policing, we believe in providing health care for

those that have worn the uniform and who are entitled to the respect they should receive, many of whom have lost limbs and have diseases that they cannot shake because they fought on behalf of this country. They should not be waiting 3 to 6 months to try to see a doctor or to try to get some sort of specialty treatment at a VA Hospital.

The VA hospitals should not be closing, but they are closing, because we are about to take away their money. It is already happening, only we are going to make it permanent. So where is the money going to come from? The President is going to walk around and say we have cut taxes, we have made them permanent. Well, that sounds good. Taxes have been cut. But the reality of it is that the majority of Americans are not the ones that are receiving this, 54 percent of the dollars in that tax cut. And it is little increments as relates to every day working Americans, but huge tax cuts, in the hundreds and tens of thousands, to the wealthiest Americans, who will receive and continue to receive as far as the eye can see.

But we are here talking about where are we going to be able to provide affordable health care, talking about why we cannot stop property taxes going up. If there is a local school or bond question on the ballot in your State's primary, or a question on the ballot as relates to a local election, it is not because the school board failed you, it is not because the county government failed you, it is not because of the school boards that are operated by the city, it is not because the city has failed you, it is not because the State has failed you. It is because the President of the United States thought it was important to make sure that we provide a tax cut, and to make it permanent, I must add, on behalf of the wealthiest Americans.

As I close, I just want to say that, and this is important, that these tax cuts for the wealthiest Americans have nothing to do with the effort against terrorism. It has nothing to do with it. Nothing patriotic about giving tax cuts to the wealthiest Americans. I did not see a millionaire or a billionaire coming to my office saying, Congressman, I sure need you to fight on my behalf. I want you to make these tax cuts permanent.

You know the reason why they are not coming to my office saying that? Because they cannot look at me straight in the eye, nor can they look at the American people straight in the eye and say that. But this President, and you need to check it for yourself, this President goes flying around, burning all kinds of Federal jet fuel, talking about it is important that we make it permanent. He leans on the podium carrying on and looking and winking and all that kind of stuff, and that is good for the television, but in reality, he is telling us to forget about a health care plan because there is not one. We can forget about a good Medi-

care prescription drug plan, because there will not be one. There is not enough money to be able to do it.

And I do not even want to start about what this Congress was told and about what happened afterwards. Millions of dollars underforecast as relates to the plan that was passed. I do not even want to get into that. That is another entire special order. But as far as community policing, we can begin to look to our local communities not preventing crime but reporting crime. We had those days. We want to get away from those days, but I think those day will come back.

Veterans. Veterans. Oh, my goodness, I am so glad this is an election year and that they are getting some level or maybe a small response that is just starting from this Bush administration because of the pressure and the reality of what they have to live under, not being able to receive the kind of health care that they need and waiting in lines.

Mr. Speaker, I close by saying this: I go back to the Washington Post today. State government leaders. The Utah Speaker of the House, Mr. Stevens, said that "we have seen an increase in that practice in recent years and we are concerned this is going to get worse." That is what the evidence shows. That is what will continue to happen if this House allows this President to make these tax cuts permanent on behalf of the wealthiest Americans.

State governments, brace yourself. Local communities, brace yourself. Property owners, brace yourself. Hunters and sportsmen alike, and sports-women, brace yourself. Brace yourself because you will be paying the price because we want to fight on behalf of the few. We want to make sure individuals that live in gated communities and who burn a full tank of gas getting to their front door get their tax cut.

On behalf of the Democratic side, and on behalf of some Republicans that are thinking in their mind that they want to be able to say something, not only say something but want to vote against some of this stuff that the President is putting down, I am asking this Congress does not continue to follow this President down a track of continuing not only to outsource jobs, but continuing to put this country in economic jeopardy.

I have a problem with us knocking on the bank of China saying we need money to pay down money on the largest deficit under our watch. Something is fundamentally wrong with that. And you can talk about Democrat-Republican, but the reality is there was a surplus until President Bush took the White House, then all of a sudden we have record deficits. We have red lines that are running deep you can lose consciousness.

I think it is important, my colleagues, as we take this recess over the weekend that we come clean with the American people about what is to come. I hope and pray on behalf of veterans that we do better by them.

I pray on behalf of children, who are trying to rise up to the standards that have been set by this administration without the resources in this budget that will be able to respond to the needs of every day teachers and administrators that are working to be able to make sure that they can provide an environment and also be able to put forth an education system that is going to help our children learn, outside of just having test centers and having rhetoric out there, these one-liners talking about how we have raised standards.

I hope and I pray that Members of Congress stand on behalf, and especially on the majority party, because on the Democratic side I know where we stand, but I am hoping and praying that someone, some Member stands up and gets other Members on the Republican side to say no to the President of the United States; I do not care if it is an election year or not, Mr. President, you will not make tax cuts permanent on behalf of the wealthiest Americans. And not just because we do not want you to, but because the Republic depends on the very resources you are willing to give away to individuals who do not even need it, and which will provide for health care, for Social Security, for a prescription drug plan that actually is a plan on behalf of the American people and that will drive costs down, and which will also make sure that we have police officers in our communities that are going to prevent crime and not report it.

□ 1715

ISSUES FACING CONGRESS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I thought we would finish up this week touching on several issues. We just heard about a lot of issues from the other side of the aisle; and I have several things that I want to address, and the gentleman from New Mexico (Mr. PEARCE) is here to speak as well. I want to speak on the reauthorization of the transportation bill that we will be taking up in the latter weeks of this month. I want to talk a little bit about where we stand on fighting and winning the war on terror, and I would like to finish up with a discussion about retooling Medicare and debunking some of the myths that we have heard expressed on the floor of this House this week.

Mr. Speaker, I yield to the gentleman from New Mexico (Mr. PEARCE) to speak on his part of the discussion.

Mr. PEARCE. Mr. Speaker, first of all, I would like to talk about education and an exciting thing that is occurring in my district.

I would also address some of the economic factors that this Nation has faced and will continue to face. We

have important things about Medicare that we need to communicate to the American people, and I will do that this afternoon also. If we get a chance, we will talk about the concurrent receipts issue, an issue of fairness for our veterans that this Congress, under Republican control, took care of. It had been a problem since 1892 when the bill was passed that disallowed concurrent receipts. The Democrats continue to say that we have not taken care of our veterans, and yet we took care of that concurrent receipts issue, which was a problem during the entire time of the 40 years of uninterrupted power that the Democrats held in this Congress and they refused to take care of it. They refused to hear the bill, refused to get it out of committee, and now they are claiming that we did not do that. The facts speak differently.

Mr. Speaker, returning to my education issue first, Roswell High School, New Mexico, is in my district. They recently have been named as one of 12 breakthrough high schools in the Nation by the National Association of Secondary School Principals, the NASSP. The breakthrough high schools project identifies and showcases exemplary high schools which have met the challenges of low-income, high-minority student populations, which describes my district. It describes some of the most desperately needy high schools in the Nation. That is the reason No Child Left Behind was put into place. It causes our school systems to acknowledge the difficulties of teaching the low-income, high-minority student populations because they are the ones that are being left behind.

Roswell High School's success is one of the best examples of school turnaround that I personally have seen. No Child Left Behind gives schools the resources, the flexibility and local control to make great changes. I am both excited and proud to talk about Roswell High School and its principal, Mike Kakuska from the floor of this House. Mike Kakuska is my hero. He is the one who deals with young people on a day-to-day basis, encourages them to do better, convincing them that they can do better, all of the while making progress in his school. His comment is that we have a credo here: dinosaurs disappeared because they did not change. If something does not work, we change it. The education system in America has not been working. We were leaving too many children behind, and simply the title of the bill says it best. Let us stop leaving kids behind because it is the poorer and disenfranchised who never will have an opportunity to go to a different school.

No Child Left Behind has channeled tremendously increased resources at education. When President Bush came to office, the expenditure from a Federal level was about \$27 billion on education. That number is over \$50 billion now and increasing. Yet we are told by the Democrats that we are underfunding education when they know,

when they are talking about the fact that we have increased over double what they funded education at during their tenure.

The most egregious example of Democrats misusing facts is when they send our constituents in to say we are not funding IDEA, the Individuals with Disabilities Education Act; and yet the facts tell us that traditionally from the very onset of IDEA, the funding was around \$1 billion. Finally after about 30 years, under President Clinton the funding increased from \$1 billion to \$2 billion; yet in the time that President Bush has been in office, funding has increased from \$2 billion to over \$11 billion.

Mr. Speaker, I think that we need to tell the American people the truth. The greatest thing that I see No Child Left Behind doing is that it allows local flexibility and local control. Local school districts are given four different income streams where they can move money back and forth between programs. They are given the flexibility to direct money where it belongs.

If a school is failing, increased resources are sent to that school for mentorship, 101 training, or whatever it takes to get each individual student up to par. One of the most important aspects of No Child Left Behind is right now there are over 150 school districts nationwide who have 100 percent control over the education dollars that go to their school from the Federal Government.

We think that if the local school board will make decisions, if the local school board is responsible for the education of their children, if we take education out of the hands of Washington bureaucrats, if we take Washington out of the hands of the State bureaucrats that local school boards and local administrators and teachers will solve the problem.

The No Child Left Behind Act begins that process of giving local autonomy and local control. I think that Michael Kakuska and Roswell High School are the best examples in my district of what No Child Left Behind can do, and I commend them for that.

Mr. Speaker, I will speak later on about taxes, Medicare, and a few other issues.

Mr. BURGESS. Mr. Speaker, we will transition from the part of the infrastructure in our communities that is responsible for education to the part of the infrastructure in our communities that allows us to get to schools. I am talking about our transportation infrastructure.

Mr. Speaker, in regards to transportation, we are at a crossroads in this country. We are at the intersection of the demands for creating the type of infrastructure that will facilitate commerce and move our citizenry and trying to achieve some type of rational spending limit within our Federal budget.

Back home in my area of north Texas, we face a silent crisis. This crisis is largely unrecognized by residents

until they find themselves in an unbearable commute to work, or unable to make the necessary connections between home, work and other activities in their daily lives. My area of north Texas has experienced an increase in traffic over the past 3 decades which is the result of unprecedented population and employment growth. Added to this is the underinvestment of Federal transportation dollars to my area.

Mr. Speaker, the time is now to make the necessary investments in our transportation infrastructure. In Texas, our transportation needs outstrip available funding three to one, and these are not trivial funding needs, these relate to supporting international trade, streamlining the environmental process, and expanding innovative financing techniques.

Handling taxpayers' dollars with care is one of our highest callings here in the House of Representatives. That obligation is enshrined in the Constitution. Our charge as congressional representatives is to protect dollars taken from the taxpayer by streamlining and improving activities of the Federal Government, not just to simply spend and dispose of those dollars.

Sadly, when Federal dollars are not handled with care, important Federal programs such as our transportation programs find themselves being hurt and neglected. Last year shortly after my election to my first term in Congress, I was very fortunate to be chosen a member of the House Committee on Transportation and Infrastructure.

I wanted to be sure that the United States Department of Transportation was ensuring the most efficient business practices within the agency. I requested and had a meeting with the Department of Transportation Inspector General, Mr. Kenneth Mead. We discussed the business practices of the agency and how Congress could better facilitate removing inappropriate expenditures in relationship to transportation spending.

Mr. Speaker, the Department of Transportation has not changed the way the agency disburses transportation funding to State and local entities since President Eisenhower was in office. The Inspector General recommended that if one cent had been saved out of every dollar spent over the last 10 years in transportation programs, the Department of Transportation would have had an initial \$5 billion to spend. That is \$5 billion. That would equate to the amount of funding needed for four of the 11 major transportation projects currently under way in this country. Clearly, greater efficiency within the Department of Transportation could have an enormous impact on more efficiently spending taxpayer dollars.

The Inspector General shared with me examples of how transportation projects could be used as examples or models of government efficiency. In the State of Utah in the preparation for the Winter Olympics, Interstate 15

needed substantial improvement. By streamlining the design-build process on that project, Interstate 15 was completed ahead of schedule and under-budget and available for individuals traveling to the Winter Olympics that year.

Similarly in north Texas, the Dallas Area Rapid Transit System worked within their budget last year and actually returned over \$20 million in transit funding to the Federal Government. Unfortunately, there are examples of transportation projects which are not carefully managed; and as a result, taxpayer dollars are not wisely spent.

The Ted Williams Tunnel, the central artery project in Boston, Massachusetts, the project known as the Big Dig, is the poster child for inefficient Federal spending on a transportation project.

The GAO has estimated that for fiscal years 1998 through 2001, the highway trust fund account lost over \$6 billion because of the ethanol tax exemption and the general fund transfer. Using the Department of Treasury's projections of gasoline tax receipts, the General Accounting Office has estimated that the highway trust fund account will not collect \$13 billion because of the tax exemption from fiscal years 2002 through 2012. There is an almost \$7 million shortfall from the general fund transfer between the same years.

Prior to the last reauthorization bill in 1998, the highway trust fund earned interest on its balance which was paid by the general fund. If the highway trust fund had continued to earn interest on its balance, the United States Department of Treasury estimates that the highway trust fund would have realized about \$4 billion from September 1999 through February 2002.

Mr. Speaker, between modifying the Department of Transportation's practices with State and local governments and reevaluating the true purposes of the highway trust fund, I believe we can work together to ensure that the Federal Government is more effective and efficient for the American taxpayer, and we have more dollars to spend on needed transportation projects.

If we are unwilling to make the monetary investment and the necessary policy changes, then I am afraid our vision for our Nation's highways will be of a congestion-bound commuter sitting in a traffic jam literally watching the bridges and roadways crumble before their very eyes.

There are policies that we could put into this year's reauthorization bill which would have a dramatic impact on the efficiency with which our highway dollars are spent. I believe we need to have policies included which will allow States the flexibility to complete large projects in less time and consequently save money. Streamlining the design-build process, as was done with Interstate 15 in Utah, will achieve this goal; and I seek inclusion of this

concept in the final reauthorization legislation. More funding and flexibility, which allow for an increase in efficiency, will equate to better roads, better bridges, and better transit facilities.

Logically following from that, we can expect less congestion, improved safety, as well as the economic value of increased commercial transportation.

□ 1730

I remain committed to working with Federal, State and local officials during this reauthorization year to address the long-term needs, not just of my district, not just of my State, but of the country at large. We need to ensure that our Federal Government wisely spends the taxpayer dollars on transportation infrastructure. We need to do our work. We need to produce a bill which adequately provides for our economic security, creates and sustains jobs, enhances safety and continues to improve mobility for our Nation's citizens.

I think a worthwhile goal, Mr. Speaker, would be to allow Americans to spend as much time in family discussions at the dinner table as they currently spend simply trying to get home.

I yield back to my friend from New Mexico.

Mr. PEARCE. I thank the gentleman from Texas.

Mr. Speaker, right now we have National Guard members in Iraq who are defending not only the freedom of this Nation in fighting back in the war on terror that began on 9/11 in this country, Mr. Speaker, but those National Guard troops are serving and putting their lives on the line. And that is not new. Our National Guard has been doing that throughout our history.

In World War II at Omaha Beach, some of the greatest casualties occurred in the Virginia National Guard. Members of my own New Mexico National Guard in World War II were in the Pacific. They made a thing called the Bataan Death March. I have known about that event throughout my entire life because I had next-door neighbors who were on the Bataan Death March. It was not until I went to the New Mexico House of Representatives that I began to understand why we had so many of those, and that is because the New Mexico National Guard was activated, sent there, they did their duty and many of them died.

It is with this backdrop that I was profoundly disappointed several weeks ago when Terry McAuliffe, the chairman of the Democratic National Committee, said President Bush served in the National Guard, but never served in our military and our country.

I will tell you, those comments are so demeaning to the people who served in our National Guard that I was offended and asked for an apology. I am now asking that the chairman of that committee would resign over his comments that detract from the service of all of our National Guard Members.

I came to the floor of this House several weeks ago to talk about the rhetoric that was starting in the campaign, and just earlier today we saw a report from the leading Democrat contender for President where he referred to the "crooks and liars on the other side." I will tell you as a Republican, I will say that his comments were unfounded, they were extremist and they have no basis in fact.

He has already turned down a demand for an apology. I do not think he will do that, because I do not think he is a large enough person to do it. But I am profoundly disappointed by the comments from the Democrat candidate for the office of President.

I yield to the gentleman from Texas for the next segment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Chair would remind Members not to make personal references to Members of the Senate, even if not by name, including candidates for the presidency.

Mr. BURGESS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I heard those same comments last night when I was working late in my office, and I, too, took offense at those. I was reminded that the founder of our party, Abraham Lincoln, said that if a man asserts something to be true, even if he does not know whether it is true or false, that man is in fact himself guilty of a falsehood. When an individual refers to all members of this Republican side of the aisle and this body as crooks and liars, I assert that that that man is in fact himself guilty of a falsehood, and then thereby becomes that which he condemns.

I join with my friend from New Mexico in asking for an apology from this individual. I think it is only proper that he do so.

Since the gentleman was talking about the service of our troops and our National Guard overseas, let us also think about our success in the war on terror. We must remember that our President, our leader, George Bush, led us into this battle, and in fact if a Member of the other body had been in control, Saddam Hussein would still be the dictator in Iraq, brutalizing and terrorizing his people. The President and the Republican-led Congress are winning the war on terror and bringing the light of democracy to all corners of the world.

Just this morning on a conference call with Ambassador Bremer in Baghdad, he talked about the signing of the Iraqi Constitution that took place earlier this week. In fact, it was not quite a week ago that all parties were gathered to sign the Constitution, but it did not happen last Friday.

Of course, we saw that reported rather generously in the newspapers, that the signing of the Constitution did not occur at the time that it was supposed to. We did not read that much about its signing on Monday, other than the fact

that it was indeed signed. All 25 members of the Iraqi Governing Council signed the Constitution. There was no change in verbiage that occurred between Friday and Monday. Whatever differences there were worked out with a concept of compromise that is apparently a new concept in the country, the free country of Iraq.

The signing of that Constitution was such a big event that sometimes something happens that is so big it almost gets lost and you almost do not realize how big it was and how much that means, not just for that area of the world, but for our country. Maybe not for people in our lifetimes, but certainly in our children's lifetimes, they are going to see a world markedly different because of the work that has gone on in that country, really for not quite a year's time. I believe next week will be the one year anniversary of the beginning of Operation Iraqi Freedom.

Certainly the press in Iraq was amazed by the fact that they had come this far to craft an interim Constitution, the fact that it had happened this quickly. Certainly they have got an aggressive task ahead of them in Iraq in getting approval for this interim Constitution, but Ambassador Bremer emphasized this was indeed a revolutionary concept in the country of Iraq. They are going to be governed under the rule of law, which is a new concept for them.

They have a robust component of individual rights built within that Constitution. I believe, if I am not mistaken, there is a provision that 25 percent of the elected representatives in that country will now be women, a marked change from what they were looking at before. They will have an independent judiciary. They will have majority rule, but the rights of the minority will be protected. There is a commitment to democratic principles. There is freedom of religion, but there is also freedom to practice religion as a person sees fit.

All of these are enormous concepts that have been crafted, again, in a relatively short period of time in an area of the world that has not known much freedom for the last 20 or 30 years.

I was in Iraq just a little over 2 weeks ago. In fact, we heard on the floor of this House earlier this week some criticism of the administration because there is no capture of Osama bin Laden yet, and that the effort was diverted by what was going on in Iraq.

Well, I also visited the country of Afghanistan and the country of Pakistan. I met with both President Musharraf and President Karzai respectively in those countries.

I want to share with this House a picture which was given to me by General Austin of the 10th Mountain Division out of Fort Drum, New York. This is a picture where I think one picture worth 1,000 words, probably so. This picture demonstrates the degree to which our soldiers are going to capture, contain and kill those who would

harm innocent Afghani citizens, certainly bring harm to our troops.

This was an individual who was sought by the coalition forces in Afghanistan. He thought he was relatively immune from prosecution, living high on a steep mountainside. He was visited by some of our forces. Then, to bring him to justice, they landed half a helicopter on his house. You can see his campfire still burning down there. He was brought up to the roof and loaded into the back of the helicopter.

Think of the effort involved in the capture and containment of that individual. I do not recall whether that was a Taliban or al Qaeda or simply a warlord that they were attempting to bring to justice, but it was quite a startling turn of events for that man that morning when half of that helicopter landed on his roof to bring him back to meet whatever fate awaited him.

I cannot tell the gentleman from New Mexico how glad I am that he brought up the service of the National Guard in this country. When I was in Iraq and we spoke to the General of the Fourth Infantry Division, General Odierno, the division that captured Saddam Hussein, he said under his control, I cannot say numbers, but there were a substantial number of Guard and Reserve under his command, and he said, "I cannot tell you at this point who is Guard and who is regular Army. They are all the same in my eyes."

As the father of a young man in the Air National Guard back in Texas, I thank the gentleman from New Mexico for bringing up the valor of their service, not just in this conflict, but throughout the history of this country.

Mr. PEARCE. I thank the gentleman for yielding. As I look at that picture, I wonder about the person that is taking the picture. That is a stunning shot from high up in the mountains there, taken at the moment of impact, and it just expresses in detail the fine job that our troops are doing.

At the end of October of last year, October 31, November 1 and 2, I was in Iraq. I visited with our troops to find out what their attitudes were. I can tell you that every single troop I visited with, both from New Mexico and from outside New Mexico, they all believed in what they were doing, they were highly motivated, well trained and doing great work.

Their one comment was, "Why do the people in America not find out the good things we are doing?" I cannot tell them why the news will not cover the good things that are going on in Iraq, the very positive rebuilding efforts, the winning over of the hearts and minds of the Iraqi people, but I can tell you that those soldiers know about it. They see firsthand that people in the neighborhoods who have been told their entire lives, for 35 years under Saddam Hussein, that Americans are evil and will be coming there to hurt them, and as the Iraqis find that not to be true, they bring their kids out in

the streets and hold them up to see the Americans eyeball-to-eyeball, and that is touching the lives of the young men and women from New Mexico serving there. I compliment our troops for the fine job that they are doing.

But our reconstruction efforts are going well. We have about 75 percent of Iraq is fairly stable. About 25 percent is unstable. But I visited also with General Odierno. That was before we captured Saddam Hussein. He told me, "My troops have stepped on his tail a couple of times and we missed him." He said, "It is going to be my people to capture him," and the gentleman from Texas (Mr. BURGESS) pointed out it was the troops under General Odierno that captured Saddam Hussein.

I will tell you that when I look back on the short time that we have been engaged in the war on terror, we have the Taliban completely uprooted and out of Afghanistan. Al Qaeda is on the run. The funds raising mechanism in Saudi Arabia that was funding the war on terror has been eliminated. Under A.Q. Khan, nuclear armament components were being sold on the world market, and that completely marketing network of nuclear armament has been taken down and disassembled. We have gone back and repossessed some of the nuclear things that were sold to countries. Pakistan now is energized and willing to help us in the war on terror. Iran is admitting publicly that they had nuclear weapons and nuclear capability. Syria is beginning to change their attitude. Libya has changed theirs.

We have come so far in this war on terror. It disturbs me when I hear the national campaign from the Democrats saying we should back up, we should bring our troops home, we should rethink it. I will tell you that the worst thing we could do is to stop the war on terror, because that is one of the events that destabilized our country.

People wonder why we are doing the tax cuts. I will tell you, our economy has suffered three deep shocks. The first, of course, was the dot.com collapse. That occurred in the last years of the President Clinton term. We had stocks that were valued at way over their actual dollar value. That occurred because people were euphoric. Some of these companies had no products, they had no net income, they had no sales. They just had a name and a concept, and people were bidding the stock up from nothing to \$200 and \$300 per share. That euphoria in a market cannot be sustained. What we found is that the dot.com collapse came, as well it should have.

□ 1745

It brought a correction into the market to bring reality into the market, but it also set our economy back on its heels. We were just about out from underneath that recession when the 9-11 attack occurred. That was approximately a \$2 trillion shock to our econ-

omy and over 2,000 lives in one day. When people worry about the cost of the war, I would just remind them, yes, it is extremely expensive. War is never inexpensive. It is at almost \$200 billion right now. But I will tell my colleagues that \$2 trillion in one day is over 10 times the total cost up to now of the war.

Mr. Speaker, 9-11 set our economy back yet a second time into a little bit different and deeper recession. Finally, we are just about to come out of that when the Enron, Global Crossing, the WorldCom collapses began to occur and people started taking their money out of the stock market. That was a deeper shock still to the economy, causing an interruption in the confidence of the American people in our system. During those three events, we found that our economy was so resilient that it never got plunged as deeply as it could have into recession, but it was always lingering in the last phases of it.

We gave the tax cut in this institution, we voted for the tax cut because tax cuts create jobs. We had hoped when we offered the tax cut that we could get a 3.5 percent rate of growth in our economy. We were stunned in the third quarter to find out that the rate of growth was actually 8.2 percent instead of the 3.5 percent that we had hoped for. The rate of growth has settled down to a more modest 4 percent, but Alan Greenspan says that he expects that number to remain constant; and I will tell my colleagues, if we can remain at the 4 percent growth level, that this economy is going to be in good, good shape.

There are many reasons that the tax cuts were given, but one of the most important things that occurred is that 75 percent of the people in the higher income brackets that got tax cuts are small business owners. When we give small business owners a tax break, we are affecting over half of the employees of the United States. Small business is one of the most vibrant forms of employment in this country; and the tax breaks, the expensing for small businesses, the accelerated depreciation were two of the most dynamic parts of the equation. They are the things that caused our orders of manufactured goods to increase, the orders of vehicles, of large equipment, of new capability; and it is that expansion that brings on new jobs into this economy.

When our opponents talk about the number of jobs lost, they simply refuse to talk about the number of jobs that are sent overseas by hard policies and too invasive regulation. I was in committee the other day, Mr. Speaker, and the Committee on Resources was talking to the people who cut timber and who process timber into lumber. Those fine union members of that group declared to us that 3 million jobs in that one industry had been sent overseas by policies that refuse to let people cut timber anymore. The Democrats on that committee said, you will be okay, you will be fine. You will have jobs in

tourism. The members of those unions in that meeting told the Democrats, we do not want jobs in hotels; we want our good, high-paying jobs in the timber industry back.

Many times we fail to account for the jobs that are sent overseas by the regulations that we impose as a government. I think that it is an important consideration in the job loss for this country, because I know that our companies would rather stay here and compete as long as they can.

Mr. Speaker, I yield back to the gentleman from Texas (Mr. BURGESS) before I go into my next discussion. I would ask him to let me know when we would like to yield back the floor.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding. I would like now to move on to the topic of Medicare and perhaps health care in general; but let us start with, let us start with a discussion of Medicare. When I do my town halls and discussions back home, I am asked, Why in the world did you even take on the task of trying to reform Medicare? Why even do it? It is such a heavy lift. It is such a big job.

The fact remains, Mr. Speaker, that in 1965 when the Medicare bill was signed into law, they covered the two things that arguably would pose the greatest financial threat for a senior citizen, and that would be a major surgical procedure or a prolonged hospitalization, say for example, for treatment of pneumonia or a bad kidney infection. The prescription drug benefit was not written into law at that time because prescription drugs available, I think, looking back at that time, I was not in practice, but I think we had penicillin and cortisone and those two were interchangeable; but prescription drugs and the availability of treatments for medical illnesses has drastically changed over the last 39 years since the enactment of Medicare. And to have modern-day practice of medicine without the ability to provide prescription drugs essentially made no sense. We were looking at a situation where, and we have heard this quoted many times on the floor of this House during the debate, we would be more willing to pay for the end-stage renal disease or the amputation than we would be willing to pay for the medication to treat the diabetes to prevent the end-stage condition from happening in the first place.

So it was important, from the standpoint of the perspective, if you are going to have a Medicare system, and I realize that there are people who would argue that perhaps the Federal Government should not be doing that, but the fact is, we are doing it, we have been doing it for almost 40 years now. And if you are going to have a Medicare system in the year 2004, we cannot have a publicly funded health care system that does not provide a way to provide prescription drugs to the beneficiaries.

We also hear a lot of criticism from the other side of the aisle that we did

not go far enough, we are not spending enough in this process. We are either spending too much or not enough. But we have to look at who is targeted for coverage under the Medicare Modernization Act that we passed last November.

The individual who is targeted for coverage is the individual who is of extremely low income, the person who is at 150 percent of poverty or below, and those individuals who have high out-of-pocket expenses, the so-called catastrophic drug coverage that was provided in the prescription drug bill as part of the Medicare Modernization Act. Yes, that does leave a group, a segment in the middle that is not going to be covered for every drug purchase; and if someone finds themselves in that area, certainly they can be grateful that they are not at 150 percent of poverty or below as far as an income and that they do not have the needs of catastrophic coverage, and we should always be thankful for good health.

Paying for health care in this country, and I read a rather disappointing op-ed article last December from Ronald Brownstein of the Los Angeles Times when he talked about how you pay for health care in this country, there are only two ways. It is either an employer-derived insurance policy, or it is a government-funded proposition. Mr. Speaker, I would suggest that there are at least two other ways. I know from my years of practice of medicine there is a good number of bills that just simply are not paid, so there is uncompensated care or a gift, if you will, by the hospital or provider that they are not going to be paid for the services rendered. And then, of course, there are individuals who will pay for their care themselves.

Mr. Speaker, tapping into that group of people who are willing to pay for their care for themselves is an enormous reserve that we as yet have not properly addressed in this country. We had the old Archer Medical Savings Account from 1996, and I myself had a medical savings account and found it a very, a very worthwhile type of medical insurance to have. But in the Medicare Modernization Act that we passed in November, we allowed for the formation of what are called health savings accounts, not just for seniors. This is for anyone, any age group in the country who wants to put dollars away for their health care needs in the future. They are now going to have a mechanism for doing that within the health savings account program. This is an enormously powerful way to put money back in the hands of the consumers and put consumers in charge of making their own health care decisions. Because after all, the consumer is going to be more wise with spending their money than they are with someone else's money, and I think someone made the point on the floor of this House back when we were having this debate about, you never spend money washing a rented car. Well, of course

not, it is not yours; you do not care what it looks like when you turn it in.

Well, the same can be true, if you are not actually paying yourself for your health care, you do not care how much money you spend. But if it is your money and you are allowed to control it, you tend to be a much wiser steward with health care dollars. I know that from my own experience from having a medical savings account for the last 5 or 6 years.

Other aspects of health care that we need to address, and I believe we are addressing, the Republican leadership is addressing in this House and, in fact, the President of the United States when he stood up and gave his State of the Union address in this House at the end of January, the daily newspaper Roll Call, Mort Kondracke who writes a column for that, not necessarily a great friend of the President or the administration, but talked about the President's speech afterwards and, in a way, he was actually being critical of the President. He said the President's health care initiatives that were outlined in the State of the Union message would only cover about 25 percent of the uninsured in this country. Only about 10 million people would be covered by the programs that the President outlined.

Well, Mr. Speaker, I would submit to my colleagues that if we have within our grasp right now the means of bringing coverage to 10 million uninsured in this country that, for heaven's sakes, we ought to be about the business of doing that.

The President outlined in his State of the Union address the deductibility, full deductibility for old income tax deductibility for a high deductible insurance policy, the one that would fit well with the concept of an HSA. This is a tremendously valuable concept. For the first time, if we will do that in this House, if we will provide that full deductibility of a high deductible insurance policy or a catastrophic insurance policy, anyone who pays income taxes in this country has no excuse for not having health insurance. We will have provided them the health savings account to grow that money tax deferred and the tax deductibility for buying their catastrophic coverage. Mr. Kondracke and I might argue about the number of people who would actually be covered by that, but that is a substantial number of individuals who would have coverage available to them in this country who today, voluntarily, do not have insurance coverage.

Association health plans, a bill that was passed by this House in June of last year, association health plans allow small businesses, and we heard about the value of small businesses and growing our economy, allow small businesses to band together across State lines, if need be, to get the purchasing power of a larger corporation and by having that larger purchasing power, or having that same purchasing power of a large corporation, go out

into the insurance market and purchase insurance policies for their employees at a lower price. It is a win-win proposition for both the small business owner and for the employees. This House has passed that bill last June. It languishes and I, for one, do not understand why we do not pick up and get that done, get it to conference and get that bill out there, going to work for the American people.

Finally, there is the concept of tax credits for the uninsured. When talking about the deductibility for a catastrophic policy, well, if somebody does not make enough money to pay income tax, they are going to say well, that is a great program for someone who makes more money than I do, but I do not pay income tax anyway, so that is not going to help me. The gentlewoman from Texas (Ms. GRANGER), my neighbor down in Tarrant County, has a bill on the floor that we have yet to vote on that would allow for tax credits for the uninsured. This is, again, an enormously powerful concept that would bring insurance a pre-fundable tax credit, if you will, that would be available to someone at the beginning of the year before they file their income taxes to purchase health insurance for that year. These three things done together, expansion of the HSAs, tax credits for the uninsured, association health plans, and we are covering 25 percent of the uninsured in this country, right now, this year, without any heavy lifting, again, I do not understand why we do not go forward with those three plans and simply get that done.

The Congress has done the work on health savings accounts and those are now part of the law of the land; full deductibility for the catastrophic policy needs to happen right away. Association health plans have been passed by this House, they await activity on the other side of the Capitol, and I would welcome some activity in the near future. And then finally, tax credits for the uninsured we could take up this spring and pass, get it over to the Senate and get their sign-off on it and provide that coverage to 10 to 15 million of the uninsured in this country and get that done right now.

I will be happy to yield to my friend from New Mexico for his comments.

□ 1800

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Texas (Mr. BURGE) for yielding.

As he talked about the Medicare bill I began to remember my own discussions in our offices and also with my family about this. The discussions right now that are critical of this Medicare bill that has been passed and signed into law was that there is this donut hole. I called my mom before we voted on it the first time, I asked her, I said, "Mom, you are going to fall in the category that they are describing as the gap in coverage or the donut hole." She said, "Why would that be?" I said, "Because your assets are high

enough and your yearly income is up. We are targeting the poor and we are targeting the people with catastrophic health care, prescription drugs cost." She said, "Son, we have been very blessed. I do not mind paying more if I can pay more."

And I feel like that that is the way most Americans are going to approach this, that they do not mind paying more if they can pay more.

Again, I told my mom that. She said, "Exactly why are you doing that?" And I said, "It is so we do not break the country, so we do not tag the next generation with more cost than they could ever pay. So the gap in coverage is there because you are able to do it and we do not want to pass those costs on to the next generation."

My colleague has adequately pointed out the great work that was done, and I want to commend the gentleman as one of the physicians in this freshman class, I think he was very instrumental in driving many of the components of this bill, and I congratulate him for that.

The health savings account is a thing that I talked from the floor of this House last night. Basically it is a medical IRA. You can put the money in tax free, you can take the money out tax free. The difference between this medical IRA the health savings account and other IRAs is that you can take the money out at any age if you pay for medical expenses. You can pay for your premiums, you can pay for deductibles, you can pay for prescription drugs, or you can pay for your doctor visit, dental, whatever.

Now, the nice thing about this account is that not only is it yours, and it is yours to dispose of the way that you would, but it is the part of your estate and it goes to the next generation, to your sons and your daughters to help them pay for their medical costs if you do not use it.

I think that it is one of the most important pieces of legislation that we passed this year. It is in law. It is a part of the prescription drug Medicare bill and has been signed by the President of the United States and is actually in law at this time.

We recently sent a mailer out to my district talking about Medicare in general, but the health savings account particularly got calls back to the office wondering where can we buy them right now.

One of the most significant things that I found there New Mexico that we did in this Medicare bill is that we began to offer certain reforms. To me it is never made sense why Medicare could not do some of the screening so it would catch the diseases up front, so that we catch them before they get to catastrophic stages.

That is one thing that happened in this Medicare bill is we allow preventative care and screening. We allow physical exams for the first time so that we understand if people have a cholesterol problem or have an impending heart

problem because the blood pressure is too high, that we take care of it before it becomes catastrophic. And we all know if you take care of medical problems before they are catastrophic, they are much cheaper to take care of. I think that those components make this bill a very good bill. But in New Mexico in my rural district, it is a 9-hour drive across my district at 75 miles an hour, we have got almost 60,000 square miles, it is a very large district, and we have not too much access to health care, but the access that we do have was reimbursed at a different rate.

As a physician, you understand that the urban areas were given far greater reimbursement for the same treatment that would be received by a rural hospital. I campaigned saying that this inequity needed to be fixed. Much to my surprise, we fixed it in this bill. Rural hospitals receive 100 percent of the reimbursement that the urban hospitals receive because of the actions that we took in this bill.

Another thing that I campaigned about, Mr. Speaker, was that our border hospitals are tagged with an expense to take care of the medical cost of immigrants who come to the border. Our immigration law says if they present themselves at the border with a medical problem, that the local hospital or the local county will take care of the problem.

I am on the Mexico border. My district borders the Mexico border. And yet my rural hospitals tell me they have carried people in an ambulance to Denver, Colorado, had heart surgery for them, and when they were recovered, they had to go up in an ambulance, pick them up and take them back to the border. I will tell you that our country was not reimbursing at all the expenses that our border hospitals were having to be faced with. And this bill adds \$1 billion into a pool of money to be shared by those hospitals which are currently being faced with those expenses.

So for those two reasons, for rural areas and especially for my district, it was a good bill. But there are good things beyond that. One of the greatest complaints that I hear among my constituents is they do not like the prescription drug manufacturers. I think that they are just mostly upset with them. I think that they would do more than what we should. But we did ring the bell here in this bill for a prescription drug manufacturers. We did not want to choke all of the profits out from the drug manufacturers because the research and development is creating miracle drugs that are causing the fastest growing population group to be the over-100 population.

The second fastest group that we have, the second fastest growing group is 85 to 100. These changes are brought about by prescription drug makers who make great products, but they were doing some things that we felt like we ought to ring the bell on, maybe bring them back.

So we are in the Medicare bill bringing generics to the market much sooner. We also stopped the process of extending patents almost indefinitely to where now we give them patent protection for one period and we extend it for one period, but not the continual extensions that were being gotten before.

Both of these actions serve to lower in the long run the cost of medications that we find in the country. And, of course, we know that that starting right now, everyone that is 150 percent the rate of poverty and below has access to the two drug cards this year and next year, which provides immediate cash relief.

Mr. Speaker, this Medicare bill combined a lot of elements of reform, it combined elements of change for rural areas, it brought in the health savings account, it brought prescription drug coverage to those who most desperately need it who are having to choose between food and medicine. And I am telling this Chamber that this bill is good for people in this New Mexico.

Mr. Speaker, I yield back to the gentleman from Texas (Mr. BURGESS.)

Mr. BURGESS. Mr. Speaker, I thank my friend for yielding.

And the gentleman makes an excellent point that by speeding the availability of generic drugs, we are bringing down the cost of prescription drugs in this country. In other words, an important point that I failed to make in my initial comments is this program is entirely voluntary. No one is forced into this program. You do not have to buy prescription drug coverage. You do not have to change any aspect of Medicare. If you enjoy what you are doing today, it does not have to change for you.

The gentleman from New Mexico (Mr. PEARCE) spoke about the cost of prescription drugs. And, Mr. Speaker, I want to again quote from the Washington periodical Roll Call, Mort Kondracke's column, again, not necessarily any friend of the Republican majority or the administration, but writing in Roll Call a couple of weeks ago, Mr. Kondracke said, "Mr. KERRY and Mr. EDWARDS regularly attack drug companies for price gouging, neglecting to observe that it costs an average of \$700 million to bring a new drug to market. They want, in effect, to impose price controls on drugs by allowing the government to negotiate with drug companies on behalf of the Medicare and Medicaid program and legalizing mass importation of drugs from Canada."

He goes on to say, Mr. Speaker, that Medicare does not negotiate with providers such as doctors and hospitals on reimbursement levels. I know this full well. I lived under Federal price controlled my entire professional life.

Going back and quoting from the article, "It imposes them and Congress often gets into the act of changing formulas." The reasons that drugs are cheaper in Canada and Europe is that governments there fix the prices based

on the production costs of new drugs, escaping participation in the astronomical cost of drug development.

In other words, Mr. Speaker, our trade laws which should protect us from this type of activity, are, in fact, asking our poorest individuals, our seniors without prescription drug coverage, to foot the cost of research and development of life savings pharmaceuticals for the rest of the world. And that is wrong. And that is what needs to change, not how we handle reimportation of drugs at the border.

Finally, I do want to, in the few minutes that are left, I want to address something else. We actually heard this this afternoon on the floor of the House from the individual on the other side of the aisle who was talking about health care, and was critical of the prescription drug plan passed by this Congress because of the cost of the prescription drug plan. \$395 billion was the Congressional Budget Office estimate for 10 years. The White House Office of the Budget came back with a different figure that was some \$500 billion over 10 years time. And that discrepancy has attracted a great deal of attention.

Mr. Speaker, the fact remains that it is almost impossible to precisely fix what the cost of this drug program is going to be over 10 years time. Chairman THOMAS, when he brought the conference report to us last fall, admitted that there was no attempt on the Congressional Budget Office to factor in any cost savings in the Medicare program by virtue of the fact that we were treating illnesses in a more timely fashion and that we were bringing disease management, we were going to be more aggressive about preventative care in the new Medicare with the new Medicare Modernization Act.

Mr. Speaker, in the few minutes, that are left I have to make this point. This House a year ago passed H.R. 5, which was the medical liability bill that would cap the medical liability awards for non-economic damages, pain and suffering at \$250,000. We actually did this back in my home State of Texas. And medical liability rates have fallen dramatically. But, more importantly, more importantly, when you look at the cost of defensive medicine in this country, and, in fact, that was looked at in a study at Stanford University in 1996. And these are 1996 dollars, several years ago, the cost of defensive medicine for the Medicare program was estimated to be \$50 billion a year.

Mr. Speaker, if we are concerned about the cost of the prescription drug program, we could pay for it by our savings in defensive medicine if we could simply pass that medical liability bill that is stuck on the other side of the capital that we got through this House a year ago. We need to get that bill passed and get it to conference and get on about the business of reducing this high tariff, this high cost of defensive medicine in this country.

Mr. Speaker, we have almost consumed a full hour of talk. And I just

wanted to yield to my friend from New Mexico if he had any closing comments. I really appreciate his being here with me and staying in town late today so we could bring our good Republican message to the floor of this House, to the country at large. And I really appreciate him being here and helping me with this discussion this afternoon.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for yielding one last time. Again, I want to talk in one sense if possible to say thanks to those people who work in our education establishment, those who are out there on the front lines of the education war, especially those success stories like Roswell High School in New Mexico. That is one of the 12 break-through high schools in the Nation. I think that this kind of outcome is exactly what we had hoped for when No Child Left Behind was passed.

If the administration in any school is dedicated to the changes that are allowed under No Child Left Behind, I believe that the program will be the success that each of our parents wants throughout the Nation.

So thanks again to the gentleman from Texas (Mr. BURGESS) for yielding time to me today.

□ 1815

HOUR OF MEETING ON FRIDAY, MARCH 12, 2004

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. BONNER). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

ADJOURNMENT FROM FRIDAY, MARCH 12, 2004, TO TUESDAY, MARCH 16, 2004

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, March 12, 2004, it adjourn to meet at 12:30 p.m., Tuesday, March 16, 2004, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

The SPEAKER laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 98) providing for a conditional adjournment or recess of the Senate.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 98

Resolved by the Senate (the House of Representatives concurring). That when the Senate recesses or adjourns at the close of business on Thursday, March 11, or Friday, March 12, or Saturday, March 13, or Sunday, March 14, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, March 22, 2004, at 12 noon.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY, for 5 minutes, March 16.

Mr. FOLEY, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 11, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 506. To provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

H.R. 2059. To designate Fort Bayard Historic District in the State of New Mexico as

a National Historic Landmark, and for other purposes.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Friday, March 12, 2004, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7141. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan; Technical Amendment [Docket No. 03-017-3] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing 727 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA1767SO or SA1768SO [Docket No. 97-NM-232-AD; Amendment 39-12858; AD 2002-16-19] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance With Supplemental Type Certificate ST00015AT [Docket No. 97-NM-234-AD; Amendment 39-12860; AD 2002-16-21] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7144. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specific Aviation Activities [Docket No. FAA-2002-11301; Amendment No. 121-302] (RIN: 2120-AH14) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7145. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30402; Amdt. No. 446] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7146. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Imposition of Accuracy Penalty; Imposition of Fraud Penalty; Frivolous Return Policy (Rev. Rul. 2004-33) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7147. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Personal, living, and family expenses (Rev. Rul. 2004-32), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7148. A letter from the Acting Chief, Publication and Regulations Branch, Internal

Revenue Service, transmitting the Service's final rule — Depreciation of MACRS Property That is Acquired in a Like-kind Exchange or As a Result of an Involuntary Conversion [TD 9115] (RIN: 1545-BC27) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7149. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Insurance Costs of Eligible Individuals (Rev. Proc. 2004-12) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7150. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guideline: All Industries; Losses Claimed and Income to be Reported from Lease In/Lease Out Transactions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3261. A bill to prohibit the misappropriation of certain databases, with an amendment; adversely (Rept. 108-421, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, and Mr. SKELTON):

H.R. 3936. A bill to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself and Mr. CASTLE):

H.R. 3937. A bill to amend the Congressional Budget Act of 1974 to establish macroeconomic congressional budgets; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Ms. VELÁZQUEZ, and Mr. SCOTT of Georgia):

H.R. 3938. A bill to establish an Office of Housing Counseling to carry out the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to establish a toll-free telephone number to

provide referral to entities providing such counseling, and to make grants to such entities for providing such counseling, and for other purposes; to the Committee on Financial Services.

By Mr. ROTHMAN (for himself, Mr. LOBIONDO, Mr. PALLONE, Mr. PASCRELL, Mr. MENENDEZ, Mr. SAXTON, Mr. ANDREWS, Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. HOLT, Mr. GARRETT of New Jersey, and Mr. FRELINGHUYSEN):

H.R. 3939. A bill to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building"; to the Committee on Government Reform.

By Mr. DINGELL (for himself, Ms. SOLIS, Mrs. CAPPS, Mr. MARKEY, and Mr. WYNN):

H.R. 3940. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination; to the Committee on Energy and Commerce.

By Mr. LAMPSON (for himself, Mr. CHABOT, Ms. MILLENDER-MCDONALD, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. CRAMER, Mr. FOLEY, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. BERRY, Mr. THOMPSON of Mississippi, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. COSTELLO, Mr. MOORE, Mr. WYNN, Mr. TIERNEY, Mr. ETHERIDGE, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. TURNER of Texas, Mr. BAIRD, Ms. BALDWIN, Mr. FARR, Mrs. TAUSCHER, Mr. POMEROY, Mr. CARDOZA, Mr. HONDA, Mr. RUSH, Mr. PASCRELL, Mr. GORDON, Mr. EDWARDS, Mr. McDERMOTT, Mr. MATSUI, Mr. PALLONE, Ms. SLAUGHTER, Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SHIMKUS, Mr. WEINER, Mr. McNULTY, Mr. DEFazio, Ms. LOFGREN, Mr. RUPPERSBERGER, Mr. MCGOVERN, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. VISCLOSKEY, Mr. VAN HOLLEN, Mr. CAPUANO, Mr. ISRAEL, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Mr. LANGEVIN, Mr. REYES, Ms. ESHOO, Mr. LANTOS, Mr. BECERRA, Ms. NORTON, Mr. LIPINSKI, Mr. BURTON of Indiana, Mr. KIND, Mr. PELOSI, Mr. OLVER, Mr. ACKERMAN, Ms. BERKLEY, Mr. HINOJOSA, Mr. JOHN, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KING of New York, Ms. LEE, Mr. MCINTYRE, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. WEXLER, Mr. LEWIS of Georgia, Mr. PETERSON of Minnesota, Ms. SCHAKOWSKY, Mr. DOYLE, Mr. RANGEL, Mr. OBERSTAR, Mr. STUPAK, Mr. HOYER, Ms. MCCOLLUM, Mr. EVANS, Mr. GEPHARDT, Mr. HEFLEY, Ms. DEGETTE, Mr. GONZALEZ, Mr. HILL, Mr. DOGGETT, Mr. CROWLEY, Mrs. LOWEY, Mr. OSE, Mr. DAVIS of Tennessee, Ms. HART, Mr. BELL, and Mr. BERREUTER):

H.R. 3941. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself and Mr. LANGEVIN):

H.R. 3942. A bill to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building"; to the Committee on Government Reform.

By Mr. CRANE (for himself, Ms. MCCOLLUM, Mr. HOUGHTON, Mr. DOOLEY of California, Mr. WELLER, Mr. CASE, Mr. KOLBE, Mr. EVANS, Mr. PITTS, Mr. CROWLEY, and Mr. LARSON of Connecticut):

H.R. 3943. A bill to extend nondiscriminatory treatment (normal trade relations treatment) to the products of Laos; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 3944. A bill to provide for the conveyance of a small parcel of Natural Resources Conservation Service property in Riverside, California, and for other purposes; to the Committee on Agriculture.

By Mr. CALVERT:

H.R. 3945. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Corona Water Utility, California; to the Committee on Resources.

By Mr. CAMP (for himself, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. UPTON, Mr. LEVIN, Mr. EHLERS, Mr. STUPAK, Mr. CONYERS, and Mr. KILDEE):

H.R. 3946. A bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. EVANS, Mr. SANDLIN, Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, Mr. CLAY, Mr. VAN HOLLEN, Mr. FROST, Mr. TOWNS, Mr. BISHOP of New York, Mr. HINCHEY, Mr. OWENS, Mr. ACKERMAN, Mr. WEINER, Mrs. MALONEY, Mr. McNULTY, Mrs. CHRISTENSEN, Mr. NADLER, Mr. RANGEL, Mr. McHUGH, Mr. GORDON, Mr. ISRAEL, and Mr. REYNOLDS):

H.R. 3947. A bill to amend title 38, United States Code, to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits paid by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FATTAH:

H.R. 3948. A bill to amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into post-secondary education; to the Committee on Education and the Workforce.

By Mr. GRAVES:

H.R. 3949. A bill to amend the Trade Act of 1974 to delegate to the Under Secretary of Commerce for International Trade the functions relating to trade adjustment assistance for firms, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself, Mr. BALLENGER, Mr. BRADLEY of New Hampshire, Mr. EVANS, Mr. LIPINSKI, and Mr. ROHRBACHER):

H.R. 3950. A bill to amend title 10, United States Code, to provide for the establishment of a combat artillery badge to recognize combat service by members of Army in the artillery branch; to the Committee on Armed Services.

By Mr. HAYES:

H.R. 3951. A bill to amend title 10, United States Code, to require notification to Congress and the public when waivers to certain domestic source requirements are made, and for other purposes; to the Committee on Armed Services.

By Mr. HENSARLING (for himself and Mr. BAKER):

H.R. 3952. A bill to amend the Community Reinvestment Act of 1977 to increase the aggregate asset size limitation of the small bank regulatory relief provision, to provide for future adjustments of such amount for inflation, and for other purposes; to the Committee on Financial Services.

By Mr. HOEKSTRA (for himself, Mr. CAMP, Mr. MANZULLO, and Mrs. JONES of Ohio):

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain systems installed in nonresidential buildings; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 3954. A bill to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes; to the Committee on Resources.

By Mr. ISRAEL:

H.R. 3955. A bill to require the Securities and Exchange Commission to require public companies to disclose their payments to foreign governments for the purposes of natural resources exploration, development, and extractions rights; to the Committee on Financial Services.

By Mrs. JOHNSON of Connecticut (for herself and Mr. SHIMKUS):

H.R. 3956. A bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 3957. A bill to amend the Trade Act of 1974 to extend trade adjustment assistance to certain service workers; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 3958. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO:

H.R. 3959. A bill to amend title 49, United States Code, to authorize the Secretary of Homeland Security, acting through the Under Secretary for Border and Transportation Security, to provide air marshal training to law enforcement personnel of foreign countries; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-MCDONALD:

H.R. 3960. A bill to authorize the use of Federal funds for research on human embryonic stem cells irrespective of the date on which such stem cells were derived, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OSBORNE (for himself and Mr. BOSWELL):

H.R. 3961. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to implement the United States Animal Identification Plan de-

veloped by the National Animal Identification Development Team, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 3962. A bill to amend title 10, United States Code, to establish a program of interest-free loans to members of the Selected Reserve who experience financial hardship due to service on active duty in the Armed Forces; to the Committee on Armed Services.

By Mr. SHAYS (for himself, Mr. COOPER, Mr. CASTLE, Mr. FRANK of Massachusetts, Mr. ENGLISH, and Mr. MORAN of Virginia):

H.R. 3963. A bill to amend the Congressional Accountability Act of 1995 to extend to employees of the legislative branch certain protections available to other employees of the Federal Government under certain laws, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. MATSUI, Mr. LANTOS, Mr. BERMAN, Ms. PELOSI, Ms. WATERS, Mr. BECERRA, Ms. ESHOO, Mr. FILNER, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mr. FARR, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mrs. CAPPS, Ms. LEE, Mr. BACA, Mrs. DAVIS of California, Mr. HONDA, Mr. SCHIFF, Ms. SOLIS, Ms. WATSON, and Ms. LINDA T. SANCHEZ of California):

H.R. 3964. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in California; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. LAMPSON, Mr. CONYERS, Mr. BACA, Mr. SHERMAN, Mr. SCHIFF, Mr. MOORE, Mr. CARDOZA, Ms. SLAUGHTER, Mr. CHABOT, Mr. PAYNE, and Mr. THOMPSON of Mississippi):

H.R. 3965. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H.J. Res. 89. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives; to the Committee on the Judiciary.

By Ms. LOFGREN:

H.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives when, in a national emergency, a significant number of Members are unable to serve; to the Committee on the Judiciary.

By Mr. VITTER:

H. Con. Res. 382. Concurrent resolution affirming that the intent of Congress in passing the National Wildlife Refuge System Improvement Act of 1997 was to allow hunting and fishing on public lands within the National Wildlife Refuge System and declaring that the purpose of reserving certain lands as public lands is to make them available to the public for reasonable uses; to the Committee on Resources.

By Mr. MEEHAN:

H. Con. Res. 383. Concurrent resolution expressing the sense of Congress concerning the well-being of members of the Armed Forces and calling on the Department of Defense to do its utmost to see that deployed military personnel have the best force protection equipment the Nation can make available, and for other purposes; to the Committee on Armed Services.

By Mr. RANGEL:

H. Con. Res. 384. Concurrent resolution calling for the removal of all restrictions from the public, the press, and military families in mourning that would prohibit their presence at the arrival at military installations in the United States or overseas of the remains of the Nation's fallen heroes, the members of the Armed Forces who have died in Iraq or Afghanistan, with the assurance that family requests for privacy will be respected; to the Committee on Armed Services.

By Mr. HYDE (for himself, Mr. DELAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. GOSS, and Mr. HUNTER):

H. Res. 557. A resolution relating to the liberation of the Iraqi people and the valiant service of the United States Armed Forces and Coalition forces; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. WEXLER, Mr. GILLMOR, and Mr. SHIMKUS):

H. Res. 558. A resolution welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO), and for other purposes; to the Committee on International Relations.

By Mr. GIBBONS (for himself, Mr. REYES, Mr. FOLEY, and Ms. DUNN):

H. Res. 559. A resolution expressing condolences to the families of the individuals killed in the terrorist bombing attacks in Madrid that occurred on March 11, 2004, and expressing deepest sympathy to the individuals injured in those attacks and to the people of the Kingdom of Spain; to the Committee on International Relations.

By Mrs. MCCARTHY of New York (for herself, Ms. BORDALLO, Mrs. TAUSCHER, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Mrs. KELLY, Ms. HARRIS, Mrs. BIGGERT, Mrs. JONES of Ohio, Mrs. CAPPS, Ms. ROS-LEHTINEN, Mrs. LOWEY, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Ms. PRYCE of Ohio, Ms. PELOSI, Ms. SLAUGHTER, Mrs. MALONEY, Ms. NORTON, Mrs. BLACKBURN, Ms. MCCOLLUM, Ms. HARMAN, Mrs. DAVIS of California, Ms. DEGETTE, Ms. WATERS, Ms. CARSON of Indiana, Mr. WEXLER, and Ms. MILLENDER-MCDONALD):

H. Res. 560. A resolution expressing the sense of the House of Representatives that the Girl Scouts of the United States of

America should be commended, on its 92d anniversary, for providing quality age-appropriate experiences that prepare girls to become the leaders of tomorrow and for raising issues important to girls; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. THORNBERRY.
H.R. 173: Mr. SHAYS, Mr. DAVIS of Tennessee, and Mr. PITTS.
H.R. 284: Mr. MCKEON, Mr. SHIMKUS, Mr. DEMINT, Mr. COLLINS, and Mr. AKIN.
H.R. 375: Mr. BURNS.
H.R. 476: Mr. BOUCHER, Mr. BACA, and Mr. STENHOLM.
H.R. 570: Mr. FERGUSON.
H.R. 571: Mr. CALVERT.
H.R. 677: Mr. KIND.
H.R. 728: Mr. GOODE.
H.R. 839: Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, and Mr. LOBIONDO.
H.R. 857: Mr. NORWOOD.
H.R. 935: Mr. FATTAH.
H.R. 962: Ms. WATERS.
H.R. 968: Ms. CARSON of Indiana.
H.R. 970: Mr. LATOURETTE, Ms. HOOLEY of Oregon, Mr. SCOTT of Georgia, Mr. CHABOT, Mr. BRADLEY of New Hampshire, Mr. TOWNS, Mr. VISCLOSKEY, Mr. JOHNSON of Illinois, Mr. GALLEGLY, and Ms. ESHOO.
H.R. 977: Mrs. CHRISTENSEN.
H.R. 1034: Mr. WAXMAN, Ms. MCCARTHY of Missouri, and Ms. LOFGREN.
H.R. 1083: Mr. BERMAN, Mr. SANDLIN, Mr. BACA, and Mrs. WILSON of New Mexico.
H.R. 1084: Mr. ROGERS of Michigan.
H.R. 1501: Ms. WOOLSEY, Ms. DEGETTE, Mr. RUSH, Mr. ACEVEDO-VILÁ, Mr. MCDERMOTT, and Mr. SCHIFF.
H.R. 1567: Mrs. JO ANN DAVIS of Virginia.
H.R. 1690: Ms. ROYBAL-ALLARD.
H.R. 1700: Mr. PAYNE.
H.R. 1726: Mr. WOLF.
H.R. 1734: Mr. CRAMER, Mrs. CAPITO, and Mr. UDALL of Colorado.
H.R. 1742: Ms. LEE and Mr. ISSA.
H.R. 1864: Mr. ANDREWS.
H.R. 1873: Mr. SENSENBRENNER.
H.R. 2107: Mr. FRANK of Massachusetts, Mr. RUSH, and Mr. LANTOS.
H.R. 2173: Ms. WOOLSEY, Mr. LEWIS of Georgia, and Mr. MEEKS of New York.
H.R. 2402: Mr. FRANK of Massachusetts.
H.R. 2536: Mr. BROWN of Ohio and Mr. CARDOZA.
H.R. 2612: Mrs. DAVIS of California.
H.R. 2732: Mr. CHOCOLA.
H.R. 2735: Mr. BROWN of South Carolina, Mr. CLAY, and Ms. BERKLEY.
H.R. 2863: Mr. HOLDEN.
H.R. 3090: Mr. FRANK of Massachusetts.
H.R. 3104: Mr. CLAY, Mr. OLVER, Mrs. KELLY, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Ms. HART, Mrs. DAVIS of California, and Mr. MEEKS of New York.
H.R. 3177: Mr. MILLER of Florida.
H.R. 3192: Mr. FARR.
H.R. 3193: Mr. GARY G. MILLER of California and Mr. ISSA.
H.R. 3215: Mr. COLLINS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. SMITH of Michigan, and Mr. WELDON of Florida.
H.R. 3313: Mrs. JO ANN DAVIS of Virginia.
H.R. 3350: Mr. BISHOP of Georgia and Mr. WAXMAN.
H.R. 3359: Mr. KILDEE.
H.R. 3369: Mr. SMITH of Texas.
H.R. 3390: Mr. INSLEE and Mr. PAUL.

H.R. 3429: Mr. BROWN of South Carolina.

H.R. 3436: Mr. KING of New York.

H.R. 3438: Ms. MCCARTHY of Missouri, Mr. BOSWELL, Mr. BERMAN, and Mr. TOM DAVIS of Virginia.

H.R. 3446: Mr. LIPINSKI, Mr. SCHIFF, and Mr. FARR.

H.R. 3453: Mr. ROGERS of Kentucky.

H.R. 3460: Mr. SMITH of New Jersey and Mrs. JO ANN DAVIS of Virginia.

H.R. 3476: Mr. STRICKLAND, Mr. GORDON, Mr. ISSA, Mr. GERLACH, Mr. SABO, Mr. LEACH, Ms. HARRIS, Mr. LINDER, Mr. DEUTSCH, and Ms. MAJETTE.

H.R. 3507: Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. GALLEGLY, Mr. WAXMAN, Mr. ANDREWS, and Mr. LARSON of Connecticut.

H.R. 3545: Mr. MCDERMOTT and Mr. HINCHEY.

H.R. 3619: Ms. LORETTA SANCHEZ of California and Mr. MATHESON.

H.R. 3651: Mr. CANNON.

H.R. 3678: Mr. PAYNE.

H.R. 3699: Mr. BALLANCE, Ms. CORRINE BROWN of Florida, and Mr. TURNER of Texas.

H.R. 3701: Mr. FRANK of Massachusetts and Mr. MORAN of Virginia.

H.R. 3712: Mr. JONES of North Carolina, Ms. CORRINE BROWN of Florida, and Mr. MEEK of Florida.

H.R. 3731: Mr. EVANS.

H.R. 3763: Mr. FEENEY.

H.R. 3773: Mr. BACHUS, Mr. HOSTETTLER, and Mr. SENSENBRENNER.

H.R. 3781: Mr. NEUGEBAUER.

H.R. 3784: Mr. CRANE, Mrs. MUSGRAVE, and Mr. FLAKE.

H.R. 3799: Mr. RYUN of Kansas.

H.R. 3801: Mr. THOMPSON of Mississippi, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, Mr. FEENEY, and Mr. KING of Iowa.

H.R. 3802: Mr. PLATTS, Mr. CLAY, Mr. SKELTON, Mr. LIPINSKI, Mr. BALLANCE, Mr. BOUCHER, Mr. SCHIFF, Mr. STARK, Mr. GRIJALVA, and Mr. LATOURETTE.

H.R. 3803: Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Ms. CARSON of Indiana, Ms. JACKSON-LEE of Texas, and Mr. GRIJALVA.

H.R. 3804: Mr. BURR.

H.R. 3818: Mr. LARSEN of Washington, Mr. GREENWOOD, Mr. MOORE, Mr. MEEKS of New York, and Mr. SULLIVAN.

H.R. 3847: Mr. ROTHMAN.

H.R. 3857: Mr. CRANE and Mr. SHAW.

H.R. 3860: Mr. RYAN of Wisconsin.

H.R. 3867: Mr. DAVIS of Illinois and Ms. MAJETTE.

H.R. 3879: Ms. CORRINE BROWN of Florida.

H.R. 3888: Mr. JACKSON of Illinois and Mr. HOEFFEL.

H.R. 3913: Mr. BAKER.

H.J. Res. 56: Mr. NEY.

H. Con. Res. 314: Mr. OLVER and Mr. KENNEDY of Rhode Island.

H. Con. Res. 321: Mrs. MCCARTHY of New York.

H. Con. Res. 332: Mr. UDALL of Colorado, Mr. PORTER, Mr. MOORE, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. HOLT, and Mr. BALLANCE.

H. Con. Res. 369: Mr. GRIJALVA, Mr. SCOTT of Virginia, and Mr. KUCINICH.

H. Con. Res. 371: Mr. FOLEY.

H. Con. Res. 378: Mr. FILNER.

H. Res. 38: Mr. PAYNE.

H. Res. 313: Mr. WAMP and Mr. PLATTS.

H. Res. 402: Ms. ROS-LEHTINEN.

H. Res. 466: Mr. STARK and Mr. HINOJOSA.

H. Res. 528: Mr. HERGER, Mr. WYNN, Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Mr. PENCE, and Mr. WOLF.

H. Res. 542: Mr. LOWEY, Mr. BRADY of Pennsylvania, and Mr. BERMAN.